



Rep. Bob Morgan

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1 AMENDMENT TO HOUSE BILL 895

2 AMENDMENT NO. _____. Amend House Bill 895 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Election Code is amended by changing
5 Section 9-45 as follows:

6 (10 ILCS 5/9-45)

7 Sec. 9-45. Medical cannabis organization; contributions.
8 It is unlawful for any medical cannabis cultivation center or
9 medical cannabis dispensary organization or any political
10 action committee created by any medical cannabis cultivation
11 center or dispensary organization to make a campaign
12 contribution to any political committee established to promote
13 the candidacy of a candidate or public official. It is unlawful
14 for any candidate, political committee, or other person to
15 knowingly accept or receive any contribution prohibited by this
16 Section. It is unlawful for any officer or agent of a medical

1 cannabis cultivation center or dispensary organization to
2 consent to any contribution or expenditure by the medical
3 cannabis organization that is prohibited by this Section. As
4 used in this Section, "medical cannabis cultivation center" and
5 "dispensary organization" have the meaning ascribed to those
6 terms in Section 10 of the Compassionate Use of Medical
7 Cannabis ~~Pilot~~ Program Act.

8 (Source: P.A. 98-122, eff. 1-1-14.)

9 Section 10. The Illinois Procurement Code is amended by
10 changing Section 1-10 as follows:

11 (30 ILCS 500/1-10)

12 Sec. 1-10. Application.

13 (a) This Code applies only to procurements for which
14 bidders, offerors, potential contractors, or contractors were
15 first solicited on or after July 1, 1998. This Code shall not
16 be construed to affect or impair any contract, or any provision
17 of a contract, entered into based on a solicitation prior to
18 the implementation date of this Code as described in Article
19 99, including but not limited to any covenant entered into with
20 respect to any revenue bonds or similar instruments. All
21 procurements for which contracts are solicited between the
22 effective date of Articles 50 and 99 and July 1, 1998 shall be
23 substantially in accordance with this Code and its intent.

24 (b) This Code shall apply regardless of the source of the

1 funds with which the contracts are paid, including federal
2 assistance moneys. This Code shall not apply to:

3 (1) Contracts between the State and its political
4 subdivisions or other governments, or between State
5 governmental bodies, except as specifically provided in
6 this Code.

7 (2) Grants, except for the filing requirements of
8 Section 20-80.

9 (3) Purchase of care, except as provided in Section
10 5-30.6 of the Illinois Public Aid Code and this Section.

11 (4) Hiring of an individual as employee and not as an
12 independent contractor, whether pursuant to an employment
13 code or policy or by contract directly with that
14 individual.

15 (5) Collective bargaining contracts.

16 (6) Purchase of real estate, except that notice of this
17 type of contract with a value of more than \$25,000 must be
18 published in the Procurement Bulletin within 10 calendar
19 days after the deed is recorded in the county of
20 jurisdiction. The notice shall identify the real estate
21 purchased, the names of all parties to the contract, the
22 value of the contract, and the effective date of the
23 contract.

24 (7) Contracts necessary to prepare for anticipated
25 litigation, enforcement actions, or investigations,
26 provided that the chief legal counsel to the Governor shall

1 give his or her prior approval when the procuring agency is
2 one subject to the jurisdiction of the Governor, and
3 provided that the chief legal counsel of any other
4 procuring entity subject to this Code shall give his or her
5 prior approval when the procuring entity is not one subject
6 to the jurisdiction of the Governor.

7 (8) (Blank).

8 (9) Procurement expenditures by the Illinois
9 Conservation Foundation when only private funds are used.

10 (10) (Blank).

11 (11) Public-private agreements entered into according
12 to the procurement requirements of Section 20 of the
13 Public-Private Partnerships for Transportation Act and
14 design-build agreements entered into according to the
15 procurement requirements of Section 25 of the
16 Public-Private Partnerships for Transportation Act.

17 (12) Contracts for legal, financial, and other
18 professional and artistic services entered into on or
19 before December 31, 2018 by the Illinois Finance Authority
20 in which the State of Illinois is not obligated. Such
21 contracts shall be awarded through a competitive process
22 authorized by the Board of the Illinois Finance Authority
23 and are subject to Sections 5-30, 20-160, 50-13, 50-20,
24 50-35, and 50-37 of this Code, as well as the final
25 approval by the Board of the Illinois Finance Authority of
26 the terms of the contract.

1 (13) Contracts for services, commodities, and
2 equipment to support the delivery of timely forensic
3 science services in consultation with and subject to the
4 approval of the Chief Procurement Officer as provided in
5 subsection (d) of Section 5-4-3a of the Unified Code of
6 Corrections, except for the requirements of Sections
7 20-60, 20-65, 20-70, and 20-160 and Article 50 of this
8 Code; however, the Chief Procurement Officer may, in
9 writing with justification, waive any certification
10 required under Article 50 of this Code. For any contracts
11 for services which are currently provided by members of a
12 collective bargaining agreement, the applicable terms of
13 the collective bargaining agreement concerning
14 subcontracting shall be followed.

15 On and after January 1, 2019, this paragraph (13),
16 except for this sentence, is inoperative.

17 (14) Contracts for participation expenditures required
18 by a domestic or international trade show or exhibition of
19 an exhibitor, member, or sponsor.

20 (15) Contracts with a railroad or utility that requires
21 the State to reimburse the railroad or utilities for the
22 relocation of utilities for construction or other public
23 purpose. Contracts included within this paragraph (15)
24 shall include, but not be limited to, those associated
25 with: relocations, crossings, installations, and
26 maintenance. For the purposes of this paragraph (15),

1 "railroad" means any form of non-highway ground
2 transportation that runs on rails or electromagnetic
3 guideways and "utility" means: (1) public utilities as
4 defined in Section 3-105 of the Public Utilities Act, (2)
5 telecommunications carriers as defined in Section 13-202
6 of the Public Utilities Act, (3) electric cooperatives as
7 defined in Section 3.4 of the Electric Supplier Act, (4)
8 telephone or telecommunications cooperatives as defined in
9 Section 13-212 of the Public Utilities Act, (5) rural water
10 or waste water systems with 10,000 connections or less, (6)
11 a holder as defined in Section 21-201 of the Public
12 Utilities Act, and (7) municipalities owning or operating
13 utility systems consisting of public utilities as that term
14 is defined in Section 11-117-2 of the Illinois Municipal
15 Code.

16 (16) Procurement expenditures necessary for the
17 Department of Public Health to provide the delivery of
18 timely newborn screening services in accordance with the
19 Newborn Metabolic Screening Act.

20 (17) ~~(16)~~ Procurement expenditures necessary for the
21 Department of Agriculture, the Department of Financial and
22 Professional Regulation, the Department of Human Services,
23 and the Department of Public Health to implement the
24 Compassionate Use of Medical Cannabis ~~Pilot~~ Program and
25 Opioid Alternative Pilot Program requirements and ensure
26 access to medical cannabis for patients with debilitating

1 medical conditions in accordance with the Compassionate
2 Use of Medical Cannabis ~~Pilot~~ Program Act.

3 Notwithstanding any other provision of law, for contracts
4 entered into on or after October 1, 2017 under an exemption
5 provided in any paragraph of this subsection (b), except
6 paragraph (1), (2), or (5), each State agency shall post to the
7 appropriate procurement bulletin the name of the contractor, a
8 description of the supply or service provided, the total amount
9 of the contract, the term of the contract, and the exception to
10 the Code utilized. The chief procurement officer shall submit a
11 report to the Governor and General Assembly no later than
12 November 1 of each year that shall include, at a minimum, an
13 annual summary of the monthly information reported to the chief
14 procurement officer.

15 (c) This Code does not apply to the electric power
16 procurement process provided for under Section 1-75 of the
17 Illinois Power Agency Act and Section 16-111.5 of the Public
18 Utilities Act.

19 (d) Except for Section 20-160 and Article 50 of this Code,
20 and as expressly required by Section 9.1 of the Illinois
21 Lottery Law, the provisions of this Code do not apply to the
22 procurement process provided for under Section 9.1 of the
23 Illinois Lottery Law.

24 (e) This Code does not apply to the process used by the
25 Capital Development Board to retain a person or entity to
26 assist the Capital Development Board with its duties related to

1 the determination of costs of a clean coal SNG brownfield
2 facility, as defined by Section 1-10 of the Illinois Power
3 Agency Act, as required in subsection (h-3) of Section 9-220 of
4 the Public Utilities Act, including calculating the range of
5 capital costs, the range of operating and maintenance costs, or
6 the sequestration costs or monitoring the construction of clean
7 coal SNG brownfield facility for the full duration of
8 construction.

9 (f) (Blank).

10 (g) (Blank).

11 (h) This Code does not apply to the process to procure or
12 contracts entered into in accordance with Sections 11-5.2 and
13 11-5.3 of the Illinois Public Aid Code.

14 (i) Each chief procurement officer may access records
15 necessary to review whether a contract, purchase, or other
16 expenditure is or is not subject to the provisions of this
17 Code, unless such records would be subject to attorney-client
18 privilege.

19 (j) This Code does not apply to the process used by the
20 Capital Development Board to retain an artist or work or works
21 of art as required in Section 14 of the Capital Development
22 Board Act.

23 (k) This Code does not apply to the process to procure
24 contracts, or contracts entered into, by the State Board of
25 Elections or the State Electoral Board for hearing officers
26 appointed pursuant to the Election Code.

1 (1) This Code does not apply to the processes used by the
2 Illinois Student Assistance Commission to procure supplies and
3 services paid for from the private funds of the Illinois
4 Prepaid Tuition Fund. As used in this subsection (1), "private
5 funds" means funds derived from deposits paid into the Illinois
6 Prepaid Tuition Trust Fund and the earnings thereon.

7 (Source: P.A. 99-801, eff. 1-1-17; 100-43, eff. 8-9-17;
8 100-580, eff. 3-12-18; 100-757, eff. 8-10-18; 100-1114, eff.
9 8-28-18; revised 10-18-18.)

10 Section 15. The Illinois Income Tax Act is amended by
11 changing Section 201 as follows:

12 (35 ILCS 5/201) (from Ch. 120, par. 2-201)

13 Sec. 201. Tax imposed.

14 (a) In general. A tax measured by net income is hereby
15 imposed on every individual, corporation, trust and estate for
16 each taxable year ending after July 31, 1969 on the privilege
17 of earning or receiving income in or as a resident of this
18 State. Such tax shall be in addition to all other occupation or
19 privilege taxes imposed by this State or by any municipal
20 corporation or political subdivision thereof.

21 (b) Rates. The tax imposed by subsection (a) of this
22 Section shall be determined as follows, except as adjusted by
23 subsection (d-1):

24 (1) In the case of an individual, trust or estate, for

1 taxable years ending prior to July 1, 1989, an amount equal
2 to 2 1/2% of the taxpayer's net income for the taxable
3 year.

4 (2) In the case of an individual, trust or estate, for
5 taxable years beginning prior to July 1, 1989 and ending
6 after June 30, 1989, an amount equal to the sum of (i) 2
7 1/2% of the taxpayer's net income for the period prior to
8 July 1, 1989, as calculated under Section 202.3, and (ii)
9 3% of the taxpayer's net income for the period after June
10 30, 1989, as calculated under Section 202.3.

11 (3) In the case of an individual, trust or estate, for
12 taxable years beginning after June 30, 1989, and ending
13 prior to January 1, 2011, an amount equal to 3% of the
14 taxpayer's net income for the taxable year.

15 (4) In the case of an individual, trust, or estate, for
16 taxable years beginning prior to January 1, 2011, and
17 ending after December 31, 2010, an amount equal to the sum
18 of (i) 3% of the taxpayer's net income for the period prior
19 to January 1, 2011, as calculated under Section 202.5, and
20 (ii) 5% of the taxpayer's net income for the period after
21 December 31, 2010, as calculated under Section 202.5.

22 (5) In the case of an individual, trust, or estate, for
23 taxable years beginning on or after January 1, 2011, and
24 ending prior to January 1, 2015, an amount equal to 5% of
25 the taxpayer's net income for the taxable year.

26 (5.1) In the case of an individual, trust, or estate,

1 for taxable years beginning prior to January 1, 2015, and
2 ending after December 31, 2014, an amount equal to the sum
3 of (i) 5% of the taxpayer's net income for the period prior
4 to January 1, 2015, as calculated under Section 202.5, and
5 (ii) 3.75% of the taxpayer's net income for the period
6 after December 31, 2014, as calculated under Section 202.5.

7 (5.2) In the case of an individual, trust, or estate,
8 for taxable years beginning on or after January 1, 2015,
9 and ending prior to July 1, 2017, an amount equal to 3.75%
10 of the taxpayer's net income for the taxable year.

11 (5.3) In the case of an individual, trust, or estate,
12 for taxable years beginning prior to July 1, 2017, and
13 ending after June 30, 2017, an amount equal to the sum of
14 (i) 3.75% of the taxpayer's net income for the period prior
15 to July 1, 2017, as calculated under Section 202.5, and
16 (ii) 4.95% of the taxpayer's net income for the period
17 after June 30, 2017, as calculated under Section 202.5.

18 (5.4) In the case of an individual, trust, or estate,
19 for taxable years beginning on or after July 1, 2017, an
20 amount equal to 4.95% of the taxpayer's net income for the
21 taxable year.

22 (6) In the case of a corporation, for taxable years
23 ending prior to July 1, 1989, an amount equal to 4% of the
24 taxpayer's net income for the taxable year.

25 (7) In the case of a corporation, for taxable years
26 beginning prior to July 1, 1989 and ending after June 30,

1 1989, an amount equal to the sum of (i) 4% of the
2 taxpayer's net income for the period prior to July 1, 1989,
3 as calculated under Section 202.3, and (ii) 4.8% of the
4 taxpayer's net income for the period after June 30, 1989,
5 as calculated under Section 202.3.

6 (8) In the case of a corporation, for taxable years
7 beginning after June 30, 1989, and ending prior to January
8 1, 2011, an amount equal to 4.8% of the taxpayer's net
9 income for the taxable year.

10 (9) In the case of a corporation, for taxable years
11 beginning prior to January 1, 2011, and ending after
12 December 31, 2010, an amount equal to the sum of (i) 4.8%
13 of the taxpayer's net income for the period prior to
14 January 1, 2011, as calculated under Section 202.5, and
15 (ii) 7% of the taxpayer's net income for the period after
16 December 31, 2010, as calculated under Section 202.5.

17 (10) In the case of a corporation, for taxable years
18 beginning on or after January 1, 2011, and ending prior to
19 January 1, 2015, an amount equal to 7% of the taxpayer's
20 net income for the taxable year.

21 (11) In the case of a corporation, for taxable years
22 beginning prior to January 1, 2015, and ending after
23 December 31, 2014, an amount equal to the sum of (i) 7% of
24 the taxpayer's net income for the period prior to January
25 1, 2015, as calculated under Section 202.5, and (ii) 5.25%
26 of the taxpayer's net income for the period after December

1 31, 2014, as calculated under Section 202.5.

2 (12) In the case of a corporation, for taxable years
3 beginning on or after January 1, 2015, and ending prior to
4 July 1, 2017, an amount equal to 5.25% of the taxpayer's
5 net income for the taxable year.

6 (13) In the case of a corporation, for taxable years
7 beginning prior to July 1, 2017, and ending after June 30,
8 2017, an amount equal to the sum of (i) 5.25% of the
9 taxpayer's net income for the period prior to July 1, 2017,
10 as calculated under Section 202.5, and (ii) 7% of the
11 taxpayer's net income for the period after June 30, 2017,
12 as calculated under Section 202.5.

13 (14) In the case of a corporation, for taxable years
14 beginning on or after July 1, 2017, an amount equal to 7%
15 of the taxpayer's net income for the taxable year.

16 The rates under this subsection (b) are subject to the
17 provisions of Section 201.5.

18 (c) Personal Property Tax Replacement Income Tax.
19 Beginning on July 1, 1979 and thereafter, in addition to such
20 income tax, there is also hereby imposed the Personal Property
21 Tax Replacement Income Tax measured by net income on every
22 corporation (including Subchapter S corporations), partnership
23 and trust, for each taxable year ending after June 30, 1979.
24 Such taxes are imposed on the privilege of earning or receiving
25 income in or as a resident of this State. The Personal Property
26 Tax Replacement Income Tax shall be in addition to the income

1 tax imposed by subsections (a) and (b) of this Section and in
2 addition to all other occupation or privilege taxes imposed by
3 this State or by any municipal corporation or political
4 subdivision thereof.

5 (d) Additional Personal Property Tax Replacement Income
6 Tax Rates. The personal property tax replacement income tax
7 imposed by this subsection and subsection (c) of this Section
8 in the case of a corporation, other than a Subchapter S
9 corporation and except as adjusted by subsection (d-1), shall
10 be an additional amount equal to 2.85% of such taxpayer's net
11 income for the taxable year, except that beginning on January
12 1, 1981, and thereafter, the rate of 2.85% specified in this
13 subsection shall be reduced to 2.5%, and in the case of a
14 partnership, trust or a Subchapter S corporation shall be an
15 additional amount equal to 1.5% of such taxpayer's net income
16 for the taxable year.

17 (d-1) Rate reduction for certain foreign insurers. In the
18 case of a foreign insurer, as defined by Section 35A-5 of the
19 Illinois Insurance Code, whose state or country of domicile
20 imposes on insurers domiciled in Illinois a retaliatory tax
21 (excluding any insurer whose premiums from reinsurance assumed
22 are 50% or more of its total insurance premiums as determined
23 under paragraph (2) of subsection (b) of Section 304, except
24 that for purposes of this determination premiums from
25 reinsurance do not include premiums from inter-affiliate
26 reinsurance arrangements), beginning with taxable years ending

1 on or after December 31, 1999, the sum of the rates of tax
2 imposed by subsections (b) and (d) shall be reduced (but not
3 increased) to the rate at which the total amount of tax imposed
4 under this Act, net of all credits allowed under this Act,
5 shall equal (i) the total amount of tax that would be imposed
6 on the foreign insurer's net income allocable to Illinois for
7 the taxable year by such foreign insurer's state or country of
8 domicile if that net income were subject to all income taxes
9 and taxes measured by net income imposed by such foreign
10 insurer's state or country of domicile, net of all credits
11 allowed or (ii) a rate of zero if no such tax is imposed on such
12 income by the foreign insurer's state of domicile. For the
13 purposes of this subsection (d-1), an inter-affiliate includes
14 a mutual insurer under common management.

15 (1) For the purposes of subsection (d-1), in no event
16 shall the sum of the rates of tax imposed by subsections
17 (b) and (d) be reduced below the rate at which the sum of:

18 (A) the total amount of tax imposed on such foreign
19 insurer under this Act for a taxable year, net of all
20 credits allowed under this Act, plus

21 (B) the privilege tax imposed by Section 409 of the
22 Illinois Insurance Code, the fire insurance company
23 tax imposed by Section 12 of the Fire Investigation
24 Act, and the fire department taxes imposed under
25 Section 11-10-1 of the Illinois Municipal Code,
26 equals 1.25% for taxable years ending prior to December 31,

1 2003, or 1.75% for taxable years ending on or after
2 December 31, 2003, of the net taxable premiums written for
3 the taxable year, as described by subsection (1) of Section
4 409 of the Illinois Insurance Code. This paragraph will in
5 no event increase the rates imposed under subsections (b)
6 and (d).

7 (2) Any reduction in the rates of tax imposed by this
8 subsection shall be applied first against the rates imposed
9 by subsection (b) and only after the tax imposed by
10 subsection (a) net of all credits allowed under this
11 Section other than the credit allowed under subsection (i)
12 has been reduced to zero, against the rates imposed by
13 subsection (d).

14 This subsection (d-1) is exempt from the provisions of
15 Section 250.

16 (e) Investment credit. A taxpayer shall be allowed a credit
17 against the Personal Property Tax Replacement Income Tax for
18 investment in qualified property.

19 (1) A taxpayer shall be allowed a credit equal to .5%
20 of the basis of qualified property placed in service during
21 the taxable year, provided such property is placed in
22 service on or after July 1, 1984. There shall be allowed an
23 additional credit equal to .5% of the basis of qualified
24 property placed in service during the taxable year,
25 provided such property is placed in service on or after
26 July 1, 1986, and the taxpayer's base employment within

1 Illinois has increased by 1% or more over the preceding
2 year as determined by the taxpayer's employment records
3 filed with the Illinois Department of Employment Security.
4 Taxpayers who are new to Illinois shall be deemed to have
5 met the 1% growth in base employment for the first year in
6 which they file employment records with the Illinois
7 Department of Employment Security. The provisions added to
8 this Section by Public Act 85-1200 (and restored by Public
9 Act 87-895) shall be construed as declaratory of existing
10 law and not as a new enactment. If, in any year, the
11 increase in base employment within Illinois over the
12 preceding year is less than 1%, the additional credit shall
13 be limited to that percentage times a fraction, the
14 numerator of which is .5% and the denominator of which is
15 1%, but shall not exceed .5%. The investment credit shall
16 not be allowed to the extent that it would reduce a
17 taxpayer's liability in any tax year below zero, nor may
18 any credit for qualified property be allowed for any year
19 other than the year in which the property was placed in
20 service in Illinois. For tax years ending on or after
21 December 31, 1987, and on or before December 31, 1988, the
22 credit shall be allowed for the tax year in which the
23 property is placed in service, or, if the amount of the
24 credit exceeds the tax liability for that year, whether it
25 exceeds the original liability or the liability as later
26 amended, such excess may be carried forward and applied to

1 the tax liability of the 5 taxable years following the
2 excess credit years if the taxpayer (i) makes investments
3 which cause the creation of a minimum of 2,000 full-time
4 equivalent jobs in Illinois, (ii) is located in an
5 enterprise zone established pursuant to the Illinois
6 Enterprise Zone Act and (iii) is certified by the
7 Department of Commerce and Community Affairs (now
8 Department of Commerce and Economic Opportunity) as
9 complying with the requirements specified in clause (i) and
10 (ii) by July 1, 1986. The Department of Commerce and
11 Community Affairs (now Department of Commerce and Economic
12 Opportunity) shall notify the Department of Revenue of all
13 such certifications immediately. For tax years ending
14 after December 31, 1988, the credit shall be allowed for
15 the tax year in which the property is placed in service,
16 or, if the amount of the credit exceeds the tax liability
17 for that year, whether it exceeds the original liability or
18 the liability as later amended, such excess may be carried
19 forward and applied to the tax liability of the 5 taxable
20 years following the excess credit years. The credit shall
21 be applied to the earliest year for which there is a
22 liability. If there is credit from more than one tax year
23 that is available to offset a liability, earlier credit
24 shall be applied first.

25 (2) The term "qualified property" means property
26 which:

1 (A) is tangible, whether new or used, including
2 buildings and structural components of buildings and
3 signs that are real property, but not including land or
4 improvements to real property that are not a structural
5 component of a building such as landscaping, sewer
6 lines, local access roads, fencing, parking lots, and
7 other appurtenances;

8 (B) is depreciable pursuant to Section 167 of the
9 Internal Revenue Code, except that "3-year property"
10 as defined in Section 168(c)(2)(A) of that Code is not
11 eligible for the credit provided by this subsection
12 (e);

13 (C) is acquired by purchase as defined in Section
14 179(d) of the Internal Revenue Code;

15 (D) is used in Illinois by a taxpayer who is
16 primarily engaged in manufacturing, or in mining coal
17 or fluorite, or in retailing, or was placed in service
18 on or after July 1, 2006 in a River Edge Redevelopment
19 Zone established pursuant to the River Edge
20 Redevelopment Zone Act; and

21 (E) has not previously been used in Illinois in
22 such a manner and by such a person as would qualify for
23 the credit provided by this subsection (e) or
24 subsection (f).

25 (3) For purposes of this subsection (e),
26 "manufacturing" means the material staging and production

1 of tangible personal property by procedures commonly
2 regarded as manufacturing, processing, fabrication, or
3 assembling which changes some existing material into new
4 shapes, new qualities, or new combinations. For purposes of
5 this subsection (e) the term "mining" shall have the same
6 meaning as the term "mining" in Section 613(c) of the
7 Internal Revenue Code. For purposes of this subsection (e),
8 the term "retailing" means the sale of tangible personal
9 property for use or consumption and not for resale, or
10 services rendered in conjunction with the sale of tangible
11 personal property for use or consumption and not for
12 resale. For purposes of this subsection (e), "tangible
13 personal property" has the same meaning as when that term
14 is used in the Retailers' Occupation Tax Act, and, for
15 taxable years ending after December 31, 2008, does not
16 include the generation, transmission, or distribution of
17 electricity.

18 (4) The basis of qualified property shall be the basis
19 used to compute the depreciation deduction for federal
20 income tax purposes.

21 (5) If the basis of the property for federal income tax
22 depreciation purposes is increased after it has been placed
23 in service in Illinois by the taxpayer, the amount of such
24 increase shall be deemed property placed in service on the
25 date of such increase in basis.

26 (6) The term "placed in service" shall have the same

1 meaning as under Section 46 of the Internal Revenue Code.

2 (7) If during any taxable year, any property ceases to
3 be qualified property in the hands of the taxpayer within
4 48 months after being placed in service, or the situs of
5 any qualified property is moved outside Illinois within 48
6 months after being placed in service, the Personal Property
7 Tax Replacement Income Tax for such taxable year shall be
8 increased. Such increase shall be determined by (i)
9 recomputing the investment credit which would have been
10 allowed for the year in which credit for such property was
11 originally allowed by eliminating such property from such
12 computation and, (ii) subtracting such recomputed credit
13 from the amount of credit previously allowed. For the
14 purposes of this paragraph (7), a reduction of the basis of
15 qualified property resulting from a redetermination of the
16 purchase price shall be deemed a disposition of qualified
17 property to the extent of such reduction.

18 (8) Unless the investment credit is extended by law,
19 the basis of qualified property shall not include costs
20 incurred after December 31, 2018, except for costs incurred
21 pursuant to a binding contract entered into on or before
22 December 31, 2018.

23 (9) Each taxable year ending before December 31, 2000,
24 a partnership may elect to pass through to its partners the
25 credits to which the partnership is entitled under this
26 subsection (e) for the taxable year. A partner may use the

1 credit allocated to him or her under this paragraph only
2 against the tax imposed in subsections (c) and (d) of this
3 Section. If the partnership makes that election, those
4 credits shall be allocated among the partners in the
5 partnership in accordance with the rules set forth in
6 Section 704(b) of the Internal Revenue Code, and the rules
7 promulgated under that Section, and the allocated amount of
8 the credits shall be allowed to the partners for that
9 taxable year. The partnership shall make this election on
10 its Personal Property Tax Replacement Income Tax return for
11 that taxable year. The election to pass through the credits
12 shall be irrevocable.

13 For taxable years ending on or after December 31, 2000,
14 a partner that qualifies its partnership for a subtraction
15 under subparagraph (I) of paragraph (2) of subsection (d)
16 of Section 203 or a shareholder that qualifies a Subchapter
17 S corporation for a subtraction under subparagraph (S) of
18 paragraph (2) of subsection (b) of Section 203 shall be
19 allowed a credit under this subsection (e) equal to its
20 share of the credit earned under this subsection (e) during
21 the taxable year by the partnership or Subchapter S
22 corporation, determined in accordance with the
23 determination of income and distributive share of income
24 under Sections 702 and 704 and Subchapter S of the Internal
25 Revenue Code. This paragraph is exempt from the provisions
26 of Section 250.

1 (f) Investment credit; Enterprise Zone; River Edge
2 Redevelopment Zone.

3 (1) A taxpayer shall be allowed a credit against the
4 tax imposed by subsections (a) and (b) of this Section for
5 investment in qualified property which is placed in service
6 in an Enterprise Zone created pursuant to the Illinois
7 Enterprise Zone Act or, for property placed in service on
8 or after July 1, 2006, a River Edge Redevelopment Zone
9 established pursuant to the River Edge Redevelopment Zone
10 Act. For partners, shareholders of Subchapter S
11 corporations, and owners of limited liability companies,
12 if the liability company is treated as a partnership for
13 purposes of federal and State income taxation, there shall
14 be allowed a credit under this subsection (f) to be
15 determined in accordance with the determination of income
16 and distributive share of income under Sections 702 and 704
17 and Subchapter S of the Internal Revenue Code. The credit
18 shall be .5% of the basis for such property. The credit
19 shall be available only in the taxable year in which the
20 property is placed in service in the Enterprise Zone or
21 River Edge Redevelopment Zone and shall not be allowed to
22 the extent that it would reduce a taxpayer's liability for
23 the tax imposed by subsections (a) and (b) of this Section
24 to below zero. For tax years ending on or after December
25 31, 1985, the credit shall be allowed for the tax year in
26 which the property is placed in service, or, if the amount

1 of the credit exceeds the tax liability for that year,
2 whether it exceeds the original liability or the liability
3 as later amended, such excess may be carried forward and
4 applied to the tax liability of the 5 taxable years
5 following the excess credit year. The credit shall be
6 applied to the earliest year for which there is a
7 liability. If there is credit from more than one tax year
8 that is available to offset a liability, the credit
9 accruing first in time shall be applied first.

10 (2) The term qualified property means property which:

11 (A) is tangible, whether new or used, including
12 buildings and structural components of buildings;

13 (B) is depreciable pursuant to Section 167 of the
14 Internal Revenue Code, except that "3-year property"
15 as defined in Section 168(c)(2)(A) of that Code is not
16 eligible for the credit provided by this subsection
17 (f);

18 (C) is acquired by purchase as defined in Section
19 179(d) of the Internal Revenue Code;

20 (D) is used in the Enterprise Zone or River Edge
21 Redevelopment Zone by the taxpayer; and

22 (E) has not been previously used in Illinois in
23 such a manner and by such a person as would qualify for
24 the credit provided by this subsection (f) or
25 subsection (e).

26 (3) The basis of qualified property shall be the basis

1 used to compute the depreciation deduction for federal
2 income tax purposes.

3 (4) If the basis of the property for federal income tax
4 depreciation purposes is increased after it has been placed
5 in service in the Enterprise Zone or River Edge
6 Redevelopment Zone by the taxpayer, the amount of such
7 increase shall be deemed property placed in service on the
8 date of such increase in basis.

9 (5) The term "placed in service" shall have the same
10 meaning as under Section 46 of the Internal Revenue Code.

11 (6) If during any taxable year, any property ceases to
12 be qualified property in the hands of the taxpayer within
13 48 months after being placed in service, or the situs of
14 any qualified property is moved outside the Enterprise Zone
15 or River Edge Redevelopment Zone within 48 months after
16 being placed in service, the tax imposed under subsections
17 (a) and (b) of this Section for such taxable year shall be
18 increased. Such increase shall be determined by (i)
19 recomputing the investment credit which would have been
20 allowed for the year in which credit for such property was
21 originally allowed by eliminating such property from such
22 computation, and (ii) subtracting such recomputed credit
23 from the amount of credit previously allowed. For the
24 purposes of this paragraph (6), a reduction of the basis of
25 qualified property resulting from a redetermination of the
26 purchase price shall be deemed a disposition of qualified

1 property to the extent of such reduction.

2 (7) There shall be allowed an additional credit equal
3 to 0.5% of the basis of qualified property placed in
4 service during the taxable year in a River Edge
5 Redevelopment Zone, provided such property is placed in
6 service on or after July 1, 2006, and the taxpayer's base
7 employment within Illinois has increased by 1% or more over
8 the preceding year as determined by the taxpayer's
9 employment records filed with the Illinois Department of
10 Employment Security. Taxpayers who are new to Illinois
11 shall be deemed to have met the 1% growth in base
12 employment for the first year in which they file employment
13 records with the Illinois Department of Employment
14 Security. If, in any year, the increase in base employment
15 within Illinois over the preceding year is less than 1%,
16 the additional credit shall be limited to that percentage
17 times a fraction, the numerator of which is 0.5% and the
18 denominator of which is 1%, but shall not exceed 0.5%.

19 (g) (Blank).

20 (h) Investment credit; High Impact Business.

21 (1) Subject to subsections (b) and (b-5) of Section 5.5
22 of the Illinois Enterprise Zone Act, a taxpayer shall be
23 allowed a credit against the tax imposed by subsections (a)
24 and (b) of this Section for investment in qualified
25 property which is placed in service by a Department of
26 Commerce and Economic Opportunity designated High Impact

1 Business. The credit shall be .5% of the basis for such
2 property. The credit shall not be available (i) until the
3 minimum investments in qualified property set forth in
4 subdivision (a)(3)(A) of Section 5.5 of the Illinois
5 Enterprise Zone Act have been satisfied or (ii) until the
6 time authorized in subsection (b-5) of the Illinois
7 Enterprise Zone Act for entities designated as High Impact
8 Businesses under subdivisions (a)(3)(B), (a)(3)(C), and
9 (a)(3)(D) of Section 5.5 of the Illinois Enterprise Zone
10 Act, and shall not be allowed to the extent that it would
11 reduce a taxpayer's liability for the tax imposed by
12 subsections (a) and (b) of this Section to below zero. The
13 credit applicable to such investments shall be taken in the
14 taxable year in which such investments have been completed.
15 The credit for additional investments beyond the minimum
16 investment by a designated high impact business authorized
17 under subdivision (a)(3)(A) of Section 5.5 of the Illinois
18 Enterprise Zone Act shall be available only in the taxable
19 year in which the property is placed in service and shall
20 not be allowed to the extent that it would reduce a
21 taxpayer's liability for the tax imposed by subsections (a)
22 and (b) of this Section to below zero. For tax years ending
23 on or after December 31, 1987, the credit shall be allowed
24 for the tax year in which the property is placed in
25 service, or, if the amount of the credit exceeds the tax
26 liability for that year, whether it exceeds the original

1 liability or the liability as later amended, such excess
2 may be carried forward and applied to the tax liability of
3 the 5 taxable years following the excess credit year. The
4 credit shall be applied to the earliest year for which
5 there is a liability. If there is credit from more than one
6 tax year that is available to offset a liability, the
7 credit accruing first in time shall be applied first.

8 Changes made in this subdivision (h) (1) by Public Act
9 88-670 restore changes made by Public Act 85-1182 and
10 reflect existing law.

11 (2) The term qualified property means property which:

12 (A) is tangible, whether new or used, including
13 buildings and structural components of buildings;

14 (B) is depreciable pursuant to Section 167 of the
15 Internal Revenue Code, except that "3-year property"
16 as defined in Section 168(c) (2) (A) of that Code is not
17 eligible for the credit provided by this subsection
18 (h);

19 (C) is acquired by purchase as defined in Section
20 179(d) of the Internal Revenue Code; and

21 (D) is not eligible for the Enterprise Zone
22 Investment Credit provided by subsection (f) of this
23 Section.

24 (3) The basis of qualified property shall be the basis
25 used to compute the depreciation deduction for federal
26 income tax purposes.

1 (4) If the basis of the property for federal income tax
2 depreciation purposes is increased after it has been placed
3 in service in a federally designated Foreign Trade Zone or
4 Sub-Zone located in Illinois by the taxpayer, the amount of
5 such increase shall be deemed property placed in service on
6 the date of such increase in basis.

7 (5) The term "placed in service" shall have the same
8 meaning as under Section 46 of the Internal Revenue Code.

9 (6) If during any taxable year ending on or before
10 December 31, 1996, any property ceases to be qualified
11 property in the hands of the taxpayer within 48 months
12 after being placed in service, or the situs of any
13 qualified property is moved outside Illinois within 48
14 months after being placed in service, the tax imposed under
15 subsections (a) and (b) of this Section for such taxable
16 year shall be increased. Such increase shall be determined
17 by (i) recomputing the investment credit which would have
18 been allowed for the year in which credit for such property
19 was originally allowed by eliminating such property from
20 such computation, and (ii) subtracting such recomputed
21 credit from the amount of credit previously allowed. For
22 the purposes of this paragraph (6), a reduction of the
23 basis of qualified property resulting from a
24 redetermination of the purchase price shall be deemed a
25 disposition of qualified property to the extent of such
26 reduction.

1 (7) Beginning with tax years ending after December 31,
2 1996, if a taxpayer qualifies for the credit under this
3 subsection (h) and thereby is granted a tax abatement and
4 the taxpayer relocates its entire facility in violation of
5 the explicit terms and length of the contract under Section
6 18-183 of the Property Tax Code, the tax imposed under
7 subsections (a) and (b) of this Section shall be increased
8 for the taxable year in which the taxpayer relocated its
9 facility by an amount equal to the amount of credit
10 received by the taxpayer under this subsection (h).

11 (i) Credit for Personal Property Tax Replacement Income
12 Tax. For tax years ending prior to December 31, 2003, a credit
13 shall be allowed against the tax imposed by subsections (a) and
14 (b) of this Section for the tax imposed by subsections (c) and
15 (d) of this Section. This credit shall be computed by
16 multiplying the tax imposed by subsections (c) and (d) of this
17 Section by a fraction, the numerator of which is base income
18 allocable to Illinois and the denominator of which is Illinois
19 base income, and further multiplying the product by the tax
20 rate imposed by subsections (a) and (b) of this Section.

21 Any credit earned on or after December 31, 1986 under this
22 subsection which is unused in the year the credit is computed
23 because it exceeds the tax liability imposed by subsections (a)
24 and (b) for that year (whether it exceeds the original
25 liability or the liability as later amended) may be carried
26 forward and applied to the tax liability imposed by subsections

1 (a) and (b) of the 5 taxable years following the excess credit
2 year, provided that no credit may be carried forward to any
3 year ending on or after December 31, 2003. This credit shall be
4 applied first to the earliest year for which there is a
5 liability. If there is a credit under this subsection from more
6 than one tax year that is available to offset a liability the
7 earliest credit arising under this subsection shall be applied
8 first.

9 If, during any taxable year ending on or after December 31,
10 1986, the tax imposed by subsections (c) and (d) of this
11 Section for which a taxpayer has claimed a credit under this
12 subsection (i) is reduced, the amount of credit for such tax
13 shall also be reduced. Such reduction shall be determined by
14 recomputing the credit to take into account the reduced tax
15 imposed by subsections (c) and (d). If any portion of the
16 reduced amount of credit has been carried to a different
17 taxable year, an amended return shall be filed for such taxable
18 year to reduce the amount of credit claimed.

19 (j) Training expense credit. Beginning with tax years
20 ending on or after December 31, 1986 and prior to December 31,
21 2003, a taxpayer shall be allowed a credit against the tax
22 imposed by subsections (a) and (b) under this Section for all
23 amounts paid or accrued, on behalf of all persons employed by
24 the taxpayer in Illinois or Illinois residents employed outside
25 of Illinois by a taxpayer, for educational or vocational
26 training in semi-technical or technical fields or semi-skilled

1 or skilled fields, which were deducted from gross income in the
2 computation of taxable income. The credit against the tax
3 imposed by subsections (a) and (b) shall be 1.6% of such
4 training expenses. For partners, shareholders of subchapter S
5 corporations, and owners of limited liability companies, if the
6 liability company is treated as a partnership for purposes of
7 federal and State income taxation, there shall be allowed a
8 credit under this subsection (j) to be determined in accordance
9 with the determination of income and distributive share of
10 income under Sections 702 and 704 and subchapter S of the
11 Internal Revenue Code.

12 Any credit allowed under this subsection which is unused in
13 the year the credit is earned may be carried forward to each of
14 the 5 taxable years following the year for which the credit is
15 first computed until it is used. This credit shall be applied
16 first to the earliest year for which there is a liability. If
17 there is a credit under this subsection from more than one tax
18 year that is available to offset a liability the earliest
19 credit arising under this subsection shall be applied first. No
20 carryforward credit may be claimed in any tax year ending on or
21 after December 31, 2003.

22 (k) Research and development credit. For tax years ending
23 after July 1, 1990 and prior to December 31, 2003, and
24 beginning again for tax years ending on or after December 31,
25 2004, and ending prior to January 1, 2022, a taxpayer shall be
26 allowed a credit against the tax imposed by subsections (a) and

1 (b) of this Section for increasing research activities in this
2 State. The credit allowed against the tax imposed by
3 subsections (a) and (b) shall be equal to 6 1/2% of the
4 qualifying expenditures for increasing research activities in
5 this State. For partners, shareholders of subchapter S
6 corporations, and owners of limited liability companies, if the
7 liability company is treated as a partnership for purposes of
8 federal and State income taxation, there shall be allowed a
9 credit under this subsection to be determined in accordance
10 with the determination of income and distributive share of
11 income under Sections 702 and 704 and subchapter S of the
12 Internal Revenue Code.

13 For purposes of this subsection, "qualifying expenditures"
14 means the qualifying expenditures as defined for the federal
15 credit for increasing research activities which would be
16 allowable under Section 41 of the Internal Revenue Code and
17 which are conducted in this State, "qualifying expenditures for
18 increasing research activities in this State" means the excess
19 of qualifying expenditures for the taxable year in which
20 incurred over qualifying expenditures for the base period,
21 "qualifying expenditures for the base period" means the average
22 of the qualifying expenditures for each year in the base
23 period, and "base period" means the 3 taxable years immediately
24 preceding the taxable year for which the determination is being
25 made.

26 Any credit in excess of the tax liability for the taxable

1 year may be carried forward. A taxpayer may elect to have the
2 unused credit shown on its final completed return carried over
3 as a credit against the tax liability for the following 5
4 taxable years or until it has been fully used, whichever occurs
5 first; provided that no credit earned in a tax year ending
6 prior to December 31, 2003 may be carried forward to any year
7 ending on or after December 31, 2003.

8 If an unused credit is carried forward to a given year from
9 2 or more earlier years, that credit arising in the earliest
10 year will be applied first against the tax liability for the
11 given year. If a tax liability for the given year still
12 remains, the credit from the next earliest year will then be
13 applied, and so on, until all credits have been used or no tax
14 liability for the given year remains. Any remaining unused
15 credit or credits then will be carried forward to the next
16 following year in which a tax liability is incurred, except
17 that no credit can be carried forward to a year which is more
18 than 5 years after the year in which the expense for which the
19 credit is given was incurred.

20 No inference shall be drawn from this amendatory Act of the
21 91st General Assembly in construing this Section for taxable
22 years beginning before January 1, 1999.

23 It is the intent of the General Assembly that the research
24 and development credit under this subsection (k) shall apply
25 continuously for all tax years ending on or after December 31,
26 2004 and ending prior to January 1, 2022, including, but not

1 limited to, the period beginning on January 1, 2016 and ending
2 on the effective date of this amendatory Act of the 100th
3 General Assembly. All actions taken in reliance on the
4 continuation of the credit under this subsection (k) by any
5 taxpayer are hereby validated.

6 (1) Environmental Remediation Tax Credit.

7 (i) For tax years ending after December 31, 1997 and on
8 or before December 31, 2001, a taxpayer shall be allowed a
9 credit against the tax imposed by subsections (a) and (b)
10 of this Section for certain amounts paid for unreimbursed
11 eligible remediation costs, as specified in this
12 subsection. For purposes of this Section, "unreimbursed
13 eligible remediation costs" means costs approved by the
14 Illinois Environmental Protection Agency ("Agency") under
15 Section 58.14 of the Environmental Protection Act that were
16 paid in performing environmental remediation at a site for
17 which a No Further Remediation Letter was issued by the
18 Agency and recorded under Section 58.10 of the
19 Environmental Protection Act. The credit must be claimed
20 for the taxable year in which Agency approval of the
21 eligible remediation costs is granted. The credit is not
22 available to any taxpayer if the taxpayer or any related
23 party caused or contributed to, in any material respect, a
24 release of regulated substances on, in, or under the site
25 that was identified and addressed by the remedial action
26 pursuant to the Site Remediation Program of the

1 Environmental Protection Act. After the Pollution Control
2 Board rules are adopted pursuant to the Illinois
3 Administrative Procedure Act for the administration and
4 enforcement of Section 58.9 of the Environmental
5 Protection Act, determinations as to credit availability
6 for purposes of this Section shall be made consistent with
7 those rules. For purposes of this Section, "taxpayer"
8 includes a person whose tax attributes the taxpayer has
9 succeeded to under Section 381 of the Internal Revenue Code
10 and "related party" includes the persons disallowed a
11 deduction for losses by paragraphs (b), (c), and (f)(1) of
12 Section 267 of the Internal Revenue Code by virtue of being
13 a related taxpayer, as well as any of its partners. The
14 credit allowed against the tax imposed by subsections (a)
15 and (b) shall be equal to 25% of the unreimbursed eligible
16 remediation costs in excess of \$100,000 per site, except
17 that the \$100,000 threshold shall not apply to any site
18 contained in an enterprise zone as determined by the
19 Department of Commerce and Community Affairs (now
20 Department of Commerce and Economic Opportunity). The
21 total credit allowed shall not exceed \$40,000 per year with
22 a maximum total of \$150,000 per site. For partners and
23 shareholders of subchapter S corporations, there shall be
24 allowed a credit under this subsection to be determined in
25 accordance with the determination of income and
26 distributive share of income under Sections 702 and 704 and

1 subchapter S of the Internal Revenue Code.

2 (ii) A credit allowed under this subsection that is
3 unused in the year the credit is earned may be carried
4 forward to each of the 5 taxable years following the year
5 for which the credit is first earned until it is used. The
6 term "unused credit" does not include any amounts of
7 unreimbursed eligible remediation costs in excess of the
8 maximum credit per site authorized under paragraph (i).
9 This credit shall be applied first to the earliest year for
10 which there is a liability. If there is a credit under this
11 subsection from more than one tax year that is available to
12 offset a liability, the earliest credit arising under this
13 subsection shall be applied first. A credit allowed under
14 this subsection may be sold to a buyer as part of a sale of
15 all or part of the remediation site for which the credit
16 was granted. The purchaser of a remediation site and the
17 tax credit shall succeed to the unused credit and remaining
18 carry-forward period of the seller. To perfect the
19 transfer, the assignor shall record the transfer in the
20 chain of title for the site and provide written notice to
21 the Director of the Illinois Department of Revenue of the
22 assignor's intent to sell the remediation site and the
23 amount of the tax credit to be transferred as a portion of
24 the sale. In no event may a credit be transferred to any
25 taxpayer if the taxpayer or a related party would not be
26 eligible under the provisions of subsection (i).

1 (iii) For purposes of this Section, the term "site"
2 shall have the same meaning as under Section 58.2 of the
3 Environmental Protection Act.

4 (m) Education expense credit. Beginning with tax years
5 ending after December 31, 1999, a taxpayer who is the custodian
6 of one or more qualifying pupils shall be allowed a credit
7 against the tax imposed by subsections (a) and (b) of this
8 Section for qualified education expenses incurred on behalf of
9 the qualifying pupils. The credit shall be equal to 25% of
10 qualified education expenses, but in no event may the total
11 credit under this subsection claimed by a family that is the
12 custodian of qualifying pupils exceed (i) \$500 for tax years
13 ending prior to December 31, 2017, and (ii) \$750 for tax years
14 ending on or after December 31, 2017. In no event shall a
15 credit under this subsection reduce the taxpayer's liability
16 under this Act to less than zero. Notwithstanding any other
17 provision of law, for taxable years beginning on or after
18 January 1, 2017, no taxpayer may claim a credit under this
19 subsection (m) if the taxpayer's adjusted gross income for the
20 taxable year exceeds (i) \$500,000, in the case of spouses
21 filing a joint federal tax return or (ii) \$250,000, in the case
22 of all other taxpayers. This subsection is exempt from the
23 provisions of Section 250 of this Act.

24 For purposes of this subsection:

25 "Qualifying pupils" means individuals who (i) are
26 residents of the State of Illinois, (ii) are under the age of

1 21 at the close of the school year for which a credit is
2 sought, and (iii) during the school year for which a credit is
3 sought were full-time pupils enrolled in a kindergarten through
4 twelfth grade education program at any school, as defined in
5 this subsection.

6 "Qualified education expense" means the amount incurred on
7 behalf of a qualifying pupil in excess of \$250 for tuition,
8 book fees, and lab fees at the school in which the pupil is
9 enrolled during the regular school year.

10 "School" means any public or nonpublic elementary or
11 secondary school in Illinois that is in compliance with Title
12 VI of the Civil Rights Act of 1964 and attendance at which
13 satisfies the requirements of Section 26-1 of the School Code,
14 except that nothing shall be construed to require a child to
15 attend any particular public or nonpublic school to qualify for
16 the credit under this Section.

17 "Custodian" means, with respect to qualifying pupils, an
18 Illinois resident who is a parent, the parents, a legal
19 guardian, or the legal guardians of the qualifying pupils.

20 (n) River Edge Redevelopment Zone site remediation tax
21 credit.

22 (i) For tax years ending on or after December 31, 2006,
23 a taxpayer shall be allowed a credit against the tax
24 imposed by subsections (a) and (b) of this Section for
25 certain amounts paid for unreimbursed eligible remediation
26 costs, as specified in this subsection. For purposes of

1 this Section, "unreimbursed eligible remediation costs"
2 means costs approved by the Illinois Environmental
3 Protection Agency ("Agency") under Section 58.14a of the
4 Environmental Protection Act that were paid in performing
5 environmental remediation at a site within a River Edge
6 Redevelopment Zone for which a No Further Remediation
7 Letter was issued by the Agency and recorded under Section
8 58.10 of the Environmental Protection Act. The credit must
9 be claimed for the taxable year in which Agency approval of
10 the eligible remediation costs is granted. The credit is
11 not available to any taxpayer if the taxpayer or any
12 related party caused or contributed to, in any material
13 respect, a release of regulated substances on, in, or under
14 the site that was identified and addressed by the remedial
15 action pursuant to the Site Remediation Program of the
16 Environmental Protection Act. Determinations as to credit
17 availability for purposes of this Section shall be made
18 consistent with rules adopted by the Pollution Control
19 Board pursuant to the Illinois Administrative Procedure
20 Act for the administration and enforcement of Section 58.9
21 of the Environmental Protection Act. For purposes of this
22 Section, "taxpayer" includes a person whose tax attributes
23 the taxpayer has succeeded to under Section 381 of the
24 Internal Revenue Code and "related party" includes the
25 persons disallowed a deduction for losses by paragraphs
26 (b), (c), and (f) (1) of Section 267 of the Internal Revenue

1 Code by virtue of being a related taxpayer, as well as any
2 of its partners. The credit allowed against the tax imposed
3 by subsections (a) and (b) shall be equal to 25% of the
4 unreimbursed eligible remediation costs in excess of
5 \$100,000 per site.

6 (ii) A credit allowed under this subsection that is
7 unused in the year the credit is earned may be carried
8 forward to each of the 5 taxable years following the year
9 for which the credit is first earned until it is used. This
10 credit shall be applied first to the earliest year for
11 which there is a liability. If there is a credit under this
12 subsection from more than one tax year that is available to
13 offset a liability, the earliest credit arising under this
14 subsection shall be applied first. A credit allowed under
15 this subsection may be sold to a buyer as part of a sale of
16 all or part of the remediation site for which the credit
17 was granted. The purchaser of a remediation site and the
18 tax credit shall succeed to the unused credit and remaining
19 carry-forward period of the seller. To perfect the
20 transfer, the assignor shall record the transfer in the
21 chain of title for the site and provide written notice to
22 the Director of the Illinois Department of Revenue of the
23 assignor's intent to sell the remediation site and the
24 amount of the tax credit to be transferred as a portion of
25 the sale. In no event may a credit be transferred to any
26 taxpayer if the taxpayer or a related party would not be

1 eligible under the provisions of subsection (i).

2 (iii) For purposes of this Section, the term "site"
3 shall have the same meaning as under Section 58.2 of the
4 Environmental Protection Act.

5 (o) For each of taxable years during the Compassionate Use
6 of Medical Cannabis ~~Pilot~~ Program, a surcharge is imposed on
7 all taxpayers on income arising from the sale or exchange of
8 capital assets, depreciable business property, real property
9 used in the trade or business, and Section 197 intangibles of
10 an organization registrant under the Compassionate Use of
11 Medical Cannabis ~~Pilot~~ Program Act. The amount of the surcharge
12 is equal to the amount of federal income tax liability for the
13 taxable year attributable to those sales and exchanges. The
14 surcharge imposed does not apply if:

15 (1) the medical cannabis cultivation center
16 registration, medical cannabis dispensary registration, or
17 the property of a registration is transferred as a result
18 of any of the following:

19 (A) bankruptcy, a receivership, or a debt
20 adjustment initiated by or against the initial
21 registration or the substantial owners of the initial
22 registration;

23 (B) cancellation, revocation, or termination of
24 any registration by the Illinois Department of Public
25 Health;

26 (C) a determination by the Illinois Department of

1 Public Health that transfer of the registration is in
2 the best interests of Illinois qualifying patients as
3 defined by the Compassionate Use of Medical Cannabis
4 ~~Pilot~~ Program Act;

5 (D) the death of an owner of the equity interest in
6 a registrant;

7 (E) the acquisition of a controlling interest in
8 the stock or substantially all of the assets of a
9 publicly traded company;

10 (F) a transfer by a parent company to a wholly
11 owned subsidiary; or

12 (G) the transfer or sale to or by one person to
13 another person where both persons were initial owners
14 of the registration when the registration was issued;
15 or

16 (2) the cannabis cultivation center registration,
17 medical cannabis dispensary registration, or the
18 controlling interest in a registrant's property is
19 transferred in a transaction to lineal descendants in which
20 no gain or loss is recognized or as a result of a
21 transaction in accordance with Section 351 of the Internal
22 Revenue Code in which no gain or loss is recognized.

23 (Source: P.A. 100-22, eff. 7-6-17.)

24 Section 20. The Use Tax Act is amended by changing Section
25 3-10 as follows:

1 (35 ILCS 105/3-10)

2 Sec. 3-10. Rate of tax. Unless otherwise provided in this
3 Section, the tax imposed by this Act is at the rate of 6.25% of
4 either the selling price or the fair market value, if any, of
5 the tangible personal property. In all cases where property
6 functionally used or consumed is the same as the property that
7 was purchased at retail, then the tax is imposed on the selling
8 price of the property. In all cases where property functionally
9 used or consumed is a by-product or waste product that has been
10 refined, manufactured, or produced from property purchased at
11 retail, then the tax is imposed on the lower of the fair market
12 value, if any, of the specific property so used in this State
13 or on the selling price of the property purchased at retail.
14 For purposes of this Section "fair market value" means the
15 price at which property would change hands between a willing
16 buyer and a willing seller, neither being under any compulsion
17 to buy or sell and both having reasonable knowledge of the
18 relevant facts. The fair market value shall be established by
19 Illinois sales by the taxpayer of the same property as that
20 functionally used or consumed, or if there are no such sales by
21 the taxpayer, then comparable sales or purchases of property of
22 like kind and character in Illinois.

23 Beginning on July 1, 2000 and through December 31, 2000,
24 with respect to motor fuel, as defined in Section 1.1 of the
25 Motor Fuel Tax Law, and gasohol, as defined in Section 3-40 of

1 the Use Tax Act, the tax is imposed at the rate of 1.25%.

2 Beginning on August 6, 2010 through August 15, 2010, with
3 respect to sales tax holiday items as defined in Section 3-6 of
4 this Act, the tax is imposed at the rate of 1.25%.

5 With respect to gasohol, the tax imposed by this Act
6 applies to (i) 70% of the proceeds of sales made on or after
7 January 1, 1990, and before July 1, 2003, (ii) 80% of the
8 proceeds of sales made on or after July 1, 2003 and on or
9 before July 1, 2017, and (iii) 100% of the proceeds of sales
10 made thereafter. If, at any time, however, the tax under this
11 Act on sales of gasohol is imposed at the rate of 1.25%, then
12 the tax imposed by this Act applies to 100% of the proceeds of
13 sales of gasohol made during that time.

14 With respect to majority blended ethanol fuel, the tax
15 imposed by this Act does not apply to the proceeds of sales
16 made on or after July 1, 2003 and on or before December 31,
17 2023 but applies to 100% of the proceeds of sales made
18 thereafter.

19 With respect to biodiesel blends with no less than 1% and
20 no more than 10% biodiesel, the tax imposed by this Act applies
21 to (i) 80% of the proceeds of sales made on or after July 1,
22 2003 and on or before December 31, 2018 and (ii) 100% of the
23 proceeds of sales made thereafter. If, at any time, however,
24 the tax under this Act on sales of biodiesel blends with no
25 less than 1% and no more than 10% biodiesel is imposed at the
26 rate of 1.25%, then the tax imposed by this Act applies to 100%

1 of the proceeds of sales of biodiesel blends with no less than
2 1% and no more than 10% biodiesel made during that time.

3 With respect to 100% biodiesel and biodiesel blends with
4 more than 10% but no more than 99% biodiesel, the tax imposed
5 by this Act does not apply to the proceeds of sales made on or
6 after July 1, 2003 and on or before December 31, 2023 but
7 applies to 100% of the proceeds of sales made thereafter.

8 With respect to food for human consumption that is to be
9 consumed off the premises where it is sold (other than
10 alcoholic beverages, soft drinks, and food that has been
11 prepared for immediate consumption) and prescription and
12 nonprescription medicines, drugs, medical appliances, products
13 classified as Class III medical devices by the United States
14 Food and Drug Administration that are used for cancer treatment
15 pursuant to a prescription, as well as any accessories and
16 components related to those devices, modifications to a motor
17 vehicle for the purpose of rendering it usable by a person with
18 a disability, and insulin, urine testing materials, syringes,
19 and needles used by diabetics, for human use, the tax is
20 imposed at the rate of 1%. For the purposes of this Section,
21 until September 1, 2009: the term "soft drinks" means any
22 complete, finished, ready-to-use, non-alcoholic drink, whether
23 carbonated or not, including but not limited to soda water,
24 cola, fruit juice, vegetable juice, carbonated water, and all
25 other preparations commonly known as soft drinks of whatever
26 kind or description that are contained in any closed or sealed

1 bottle, can, carton, or container, regardless of size; but
2 "soft drinks" does not include coffee, tea, non-carbonated
3 water, infant formula, milk or milk products as defined in the
4 Grade A Pasteurized Milk and Milk Products Act, or drinks
5 containing 50% or more natural fruit or vegetable juice.

6 Notwithstanding any other provisions of this Act,
7 beginning September 1, 2009, "soft drinks" means non-alcoholic
8 beverages that contain natural or artificial sweeteners. "Soft
9 drinks" do not include beverages that contain milk or milk
10 products, soy, rice or similar milk substitutes, or greater
11 than 50% of vegetable or fruit juice by volume.

12 Until August 1, 2009, and notwithstanding any other
13 provisions of this Act, "food for human consumption that is to
14 be consumed off the premises where it is sold" includes all
15 food sold through a vending machine, except soft drinks and
16 food products that are dispensed hot from a vending machine,
17 regardless of the location of the vending machine. Beginning
18 August 1, 2009, and notwithstanding any other provisions of
19 this Act, "food for human consumption that is to be consumed
20 off the premises where it is sold" includes all food sold
21 through a vending machine, except soft drinks, candy, and food
22 products that are dispensed hot from a vending machine,
23 regardless of the location of the vending machine.

24 Notwithstanding any other provisions of this Act,
25 beginning September 1, 2009, "food for human consumption that
26 is to be consumed off the premises where it is sold" does not

1 include candy. For purposes of this Section, "candy" means a
2 preparation of sugar, honey, or other natural or artificial
3 sweeteners in combination with chocolate, fruits, nuts or other
4 ingredients or flavorings in the form of bars, drops, or
5 pieces. "Candy" does not include any preparation that contains
6 flour or requires refrigeration.

7 Notwithstanding any other provisions of this Act,
8 beginning September 1, 2009, "nonprescription medicines and
9 drugs" does not include grooming and hygiene products. For
10 purposes of this Section, "grooming and hygiene products"
11 includes, but is not limited to, soaps and cleaning solutions,
12 shampoo, toothpaste, mouthwash, antiperspirants, and sun tan
13 lotions and screens, unless those products are available by
14 prescription only, regardless of whether the products meet the
15 definition of "over-the-counter-drugs". For the purposes of
16 this paragraph, "over-the-counter-drug" means a drug for human
17 use that contains a label that identifies the product as a drug
18 as required by 21 C.F.R. § 201.66. The "over-the-counter-drug"
19 label includes:

20 (A) A "Drug Facts" panel; or

21 (B) A statement of the "active ingredient(s)" with a
22 list of those ingredients contained in the compound,
23 substance or preparation.

24 Beginning on the effective date of this amendatory Act of
25 the 98th General Assembly, "prescription and nonprescription
26 medicines and drugs" includes medical cannabis purchased from a

1 registered dispensing organization under the Compassionate Use
2 of Medical Cannabis ~~Pilot~~ Program Act.

3 If the property that is purchased at retail from a retailer
4 is acquired outside Illinois and used outside Illinois before
5 being brought to Illinois for use here and is taxable under
6 this Act, the "selling price" on which the tax is computed
7 shall be reduced by an amount that represents a reasonable
8 allowance for depreciation for the period of prior out-of-state
9 use.

10 (Source: P.A. 99-143, eff. 7-27-15; 99-858, eff. 8-19-16;
11 100-22, eff. 7-6-17.)

12 Section 25. The Service Use Tax Act is amended by changing
13 Section 3-10 as follows:

14 (35 ILCS 110/3-10) (from Ch. 120, par. 439.33-10)

15 Sec. 3-10. Rate of tax. Unless otherwise provided in this
16 Section, the tax imposed by this Act is at the rate of 6.25% of
17 the selling price of tangible personal property transferred as
18 an incident to the sale of service, but, for the purpose of
19 computing this tax, in no event shall the selling price be less
20 than the cost price of the property to the serviceman.

21 Beginning on July 1, 2000 and through December 31, 2000,
22 with respect to motor fuel, as defined in Section 1.1 of the
23 Motor Fuel Tax Law, and gasohol, as defined in Section 3-40 of
24 the Use Tax Act, the tax is imposed at the rate of 1.25%.

1 With respect to gasohol, as defined in the Use Tax Act, the
2 tax imposed by this Act applies to (i) 70% of the selling price
3 of property transferred as an incident to the sale of service
4 on or after January 1, 1990, and before July 1, 2003, (ii) 80%
5 of the selling price of property transferred as an incident to
6 the sale of service on or after July 1, 2003 and on or before
7 July 1, 2017, and (iii) 100% of the selling price thereafter.
8 If, at any time, however, the tax under this Act on sales of
9 gasohol, as defined in the Use Tax Act, is imposed at the rate
10 of 1.25%, then the tax imposed by this Act applies to 100% of
11 the proceeds of sales of gasohol made during that time.

12 With respect to majority blended ethanol fuel, as defined
13 in the Use Tax Act, the tax imposed by this Act does not apply
14 to the selling price of property transferred as an incident to
15 the sale of service on or after July 1, 2003 and on or before
16 December 31, 2023 but applies to 100% of the selling price
17 thereafter.

18 With respect to biodiesel blends, as defined in the Use Tax
19 Act, with no less than 1% and no more than 10% biodiesel, the
20 tax imposed by this Act applies to (i) 80% of the selling price
21 of property transferred as an incident to the sale of service
22 on or after July 1, 2003 and on or before December 31, 2018 and
23 (ii) 100% of the proceeds of the selling price thereafter. If,
24 at any time, however, the tax under this Act on sales of
25 biodiesel blends, as defined in the Use Tax Act, with no less
26 than 1% and no more than 10% biodiesel is imposed at the rate

1 of 1.25%, then the tax imposed by this Act applies to 100% of
2 the proceeds of sales of biodiesel blends with no less than 1%
3 and no more than 10% biodiesel made during that time.

4 With respect to 100% biodiesel, as defined in the Use Tax
5 Act, and biodiesel blends, as defined in the Use Tax Act, with
6 more than 10% but no more than 99% biodiesel, the tax imposed
7 by this Act does not apply to the proceeds of the selling price
8 of property transferred as an incident to the sale of service
9 on or after July 1, 2003 and on or before December 31, 2023 but
10 applies to 100% of the selling price thereafter.

11 At the election of any registered serviceman made for each
12 fiscal year, sales of service in which the aggregate annual
13 cost price of tangible personal property transferred as an
14 incident to the sales of service is less than 35%, or 75% in
15 the case of servicemen transferring prescription drugs or
16 servicemen engaged in graphic arts production, of the aggregate
17 annual total gross receipts from all sales of service, the tax
18 imposed by this Act shall be based on the serviceman's cost
19 price of the tangible personal property transferred as an
20 incident to the sale of those services.

21 The tax shall be imposed at the rate of 1% on food prepared
22 for immediate consumption and transferred incident to a sale of
23 service subject to this Act or the Service Occupation Tax Act
24 by an entity licensed under the Hospital Licensing Act, the
25 Nursing Home Care Act, the ID/DD Community Care Act, the MC/DD
26 Act, the Specialized Mental Health Rehabilitation Act of 2013,

1 or the Child Care Act of 1969. The tax shall also be imposed at
2 the rate of 1% on food for human consumption that is to be
3 consumed off the premises where it is sold (other than
4 alcoholic beverages, soft drinks, and food that has been
5 prepared for immediate consumption and is not otherwise
6 included in this paragraph) and prescription and
7 nonprescription medicines, drugs, medical appliances, products
8 classified as Class III medical devices by the United States
9 Food and Drug Administration that are used for cancer treatment
10 pursuant to a prescription, as well as any accessories and
11 components related to those devices, modifications to a motor
12 vehicle for the purpose of rendering it usable by a person with
13 a disability, and insulin, urine testing materials, syringes,
14 and needles used by diabetics, for human use. For the purposes
15 of this Section, until September 1, 2009: the term "soft
16 drinks" means any complete, finished, ready-to-use,
17 non-alcoholic drink, whether carbonated or not, including but
18 not limited to soda water, cola, fruit juice, vegetable juice,
19 carbonated water, and all other preparations commonly known as
20 soft drinks of whatever kind or description that are contained
21 in any closed or sealed bottle, can, carton, or container,
22 regardless of size; but "soft drinks" does not include coffee,
23 tea, non-carbonated water, infant formula, milk or milk
24 products as defined in the Grade A Pasteurized Milk and Milk
25 Products Act, or drinks containing 50% or more natural fruit or
26 vegetable juice.

1 Notwithstanding any other provisions of this Act,
2 beginning September 1, 2009, "soft drinks" means non-alcoholic
3 beverages that contain natural or artificial sweeteners. "Soft
4 drinks" do not include beverages that contain milk or milk
5 products, soy, rice or similar milk substitutes, or greater
6 than 50% of vegetable or fruit juice by volume.

7 Until August 1, 2009, and notwithstanding any other
8 provisions of this Act, "food for human consumption that is to
9 be consumed off the premises where it is sold" includes all
10 food sold through a vending machine, except soft drinks and
11 food products that are dispensed hot from a vending machine,
12 regardless of the location of the vending machine. Beginning
13 August 1, 2009, and notwithstanding any other provisions of
14 this Act, "food for human consumption that is to be consumed
15 off the premises where it is sold" includes all food sold
16 through a vending machine, except soft drinks, candy, and food
17 products that are dispensed hot from a vending machine,
18 regardless of the location of the vending machine.

19 Notwithstanding any other provisions of this Act,
20 beginning September 1, 2009, "food for human consumption that
21 is to be consumed off the premises where it is sold" does not
22 include candy. For purposes of this Section, "candy" means a
23 preparation of sugar, honey, or other natural or artificial
24 sweeteners in combination with chocolate, fruits, nuts or other
25 ingredients or flavorings in the form of bars, drops, or
26 pieces. "Candy" does not include any preparation that contains

1 flour or requires refrigeration.

2 Notwithstanding any other provisions of this Act,
3 beginning September 1, 2009, "nonprescription medicines and
4 drugs" does not include grooming and hygiene products. For
5 purposes of this Section, "grooming and hygiene products"
6 includes, but is not limited to, soaps and cleaning solutions,
7 shampoo, toothpaste, mouthwash, antiperspirants, and sun tan
8 lotions and screens, unless those products are available by
9 prescription only, regardless of whether the products meet the
10 definition of "over-the-counter-drugs". For the purposes of
11 this paragraph, "over-the-counter-drug" means a drug for human
12 use that contains a label that identifies the product as a drug
13 as required by 21 C.F.R. § 201.66. The "over-the-counter-drug"
14 label includes:

15 (A) A "Drug Facts" panel; or

16 (B) A statement of the "active ingredient(s)" with a
17 list of those ingredients contained in the compound,
18 substance or preparation.

19 Beginning on January 1, 2014 (the effective date of Public
20 Act 98-122), "prescription and nonprescription medicines and
21 drugs" includes medical cannabis purchased from a registered
22 dispensing organization under the Compassionate Use of Medical
23 Cannabis ~~Pilot~~ Program Act.

24 If the property that is acquired from a serviceman is
25 acquired outside Illinois and used outside Illinois before
26 being brought to Illinois for use here and is taxable under

1 this Act, the "selling price" on which the tax is computed
2 shall be reduced by an amount that represents a reasonable
3 allowance for depreciation for the period of prior out-of-state
4 use.

5 (Source: P.A. 99-143, eff. 7-27-15; 99-180, eff. 7-29-15;
6 99-642, eff. 7-28-16; 99-858, eff. 8-19-16; 100-22, eff.
7 7-6-17.)

8 Section 30. The Service Occupation Tax Act is amended by
9 changing Section 3-10 as follows:

10 (35 ILCS 115/3-10) (from Ch. 120, par. 439.103-10)

11 Sec. 3-10. Rate of tax. Unless otherwise provided in this
12 Section, the tax imposed by this Act is at the rate of 6.25% of
13 the "selling price", as defined in Section 2 of the Service Use
14 Tax Act, of the tangible personal property. For the purpose of
15 computing this tax, in no event shall the "selling price" be
16 less than the cost price to the serviceman of the tangible
17 personal property transferred. The selling price of each item
18 of tangible personal property transferred as an incident of a
19 sale of service may be shown as a distinct and separate item on
20 the serviceman's billing to the service customer. If the
21 selling price is not so shown, the selling price of the
22 tangible personal property is deemed to be 50% of the
23 serviceman's entire billing to the service customer. When,
24 however, a serviceman contracts to design, develop, and produce

1 special order machinery or equipment, the tax imposed by this
2 Act shall be based on the serviceman's cost price of the
3 tangible personal property transferred incident to the
4 completion of the contract.

5 Beginning on July 1, 2000 and through December 31, 2000,
6 with respect to motor fuel, as defined in Section 1.1 of the
7 Motor Fuel Tax Law, and gasohol, as defined in Section 3-40 of
8 the Use Tax Act, the tax is imposed at the rate of 1.25%.

9 With respect to gasohol, as defined in the Use Tax Act, the
10 tax imposed by this Act shall apply to (i) 70% of the cost
11 price of property transferred as an incident to the sale of
12 service on or after January 1, 1990, and before July 1, 2003,
13 (ii) 80% of the selling price of property transferred as an
14 incident to the sale of service on or after July 1, 2003 and on
15 or before July 1, 2017, and (iii) 100% of the cost price
16 thereafter. If, at any time, however, the tax under this Act on
17 sales of gasohol, as defined in the Use Tax Act, is imposed at
18 the rate of 1.25%, then the tax imposed by this Act applies to
19 100% of the proceeds of sales of gasohol made during that time.

20 With respect to majority blended ethanol fuel, as defined
21 in the Use Tax Act, the tax imposed by this Act does not apply
22 to the selling price of property transferred as an incident to
23 the sale of service on or after July 1, 2003 and on or before
24 December 31, 2023 but applies to 100% of the selling price
25 thereafter.

26 With respect to biodiesel blends, as defined in the Use Tax

1 Act, with no less than 1% and no more than 10% biodiesel, the
2 tax imposed by this Act applies to (i) 80% of the selling price
3 of property transferred as an incident to the sale of service
4 on or after July 1, 2003 and on or before December 31, 2018 and
5 (ii) 100% of the proceeds of the selling price thereafter. If,
6 at any time, however, the tax under this Act on sales of
7 biodiesel blends, as defined in the Use Tax Act, with no less
8 than 1% and no more than 10% biodiesel is imposed at the rate
9 of 1.25%, then the tax imposed by this Act applies to 100% of
10 the proceeds of sales of biodiesel blends with no less than 1%
11 and no more than 10% biodiesel made during that time.

12 With respect to 100% biodiesel, as defined in the Use Tax
13 Act, and biodiesel blends, as defined in the Use Tax Act, with
14 more than 10% but no more than 99% biodiesel material, the tax
15 imposed by this Act does not apply to the proceeds of the
16 selling price of property transferred as an incident to the
17 sale of service on or after July 1, 2003 and on or before
18 December 31, 2023 but applies to 100% of the selling price
19 thereafter.

20 At the election of any registered serviceman made for each
21 fiscal year, sales of service in which the aggregate annual
22 cost price of tangible personal property transferred as an
23 incident to the sales of service is less than 35%, or 75% in
24 the case of servicemen transferring prescription drugs or
25 servicemen engaged in graphic arts production, of the aggregate
26 annual total gross receipts from all sales of service, the tax

1 imposed by this Act shall be based on the serviceman's cost
2 price of the tangible personal property transferred incident to
3 the sale of those services.

4 The tax shall be imposed at the rate of 1% on food prepared
5 for immediate consumption and transferred incident to a sale of
6 service subject to this Act or the Service Occupation Tax Act
7 by an entity licensed under the Hospital Licensing Act, the
8 Nursing Home Care Act, the ID/DD Community Care Act, the MC/DD
9 Act, the Specialized Mental Health Rehabilitation Act of 2013,
10 or the Child Care Act of 1969. The tax shall also be imposed at
11 the rate of 1% on food for human consumption that is to be
12 consumed off the premises where it is sold (other than
13 alcoholic beverages, soft drinks, and food that has been
14 prepared for immediate consumption and is not otherwise
15 included in this paragraph) and prescription and
16 nonprescription medicines, drugs, medical appliances, products
17 classified as Class III medical devices by the United States
18 Food and Drug Administration that are used for cancer treatment
19 pursuant to a prescription, as well as any accessories and
20 components related to those devices, modifications to a motor
21 vehicle for the purpose of rendering it usable by a person with
22 a disability, and insulin, urine testing materials, syringes,
23 and needles used by diabetics, for human use. For the purposes
24 of this Section, until September 1, 2009: the term "soft
25 drinks" means any complete, finished, ready-to-use,
26 non-alcoholic drink, whether carbonated or not, including but

1 not limited to soda water, cola, fruit juice, vegetable juice,
2 carbonated water, and all other preparations commonly known as
3 soft drinks of whatever kind or description that are contained
4 in any closed or sealed can, carton, or container, regardless
5 of size; but "soft drinks" does not include coffee, tea,
6 non-carbonated water, infant formula, milk or milk products as
7 defined in the Grade A Pasteurized Milk and Milk Products Act,
8 or drinks containing 50% or more natural fruit or vegetable
9 juice.

10 Notwithstanding any other provisions of this Act,
11 beginning September 1, 2009, "soft drinks" means non-alcoholic
12 beverages that contain natural or artificial sweeteners. "Soft
13 drinks" do not include beverages that contain milk or milk
14 products, soy, rice or similar milk substitutes, or greater
15 than 50% of vegetable or fruit juice by volume.

16 Until August 1, 2009, and notwithstanding any other
17 provisions of this Act, "food for human consumption that is to
18 be consumed off the premises where it is sold" includes all
19 food sold through a vending machine, except soft drinks and
20 food products that are dispensed hot from a vending machine,
21 regardless of the location of the vending machine. Beginning
22 August 1, 2009, and notwithstanding any other provisions of
23 this Act, "food for human consumption that is to be consumed
24 off the premises where it is sold" includes all food sold
25 through a vending machine, except soft drinks, candy, and food
26 products that are dispensed hot from a vending machine,

1 regardless of the location of the vending machine.

2 Notwithstanding any other provisions of this Act,
3 beginning September 1, 2009, "food for human consumption that
4 is to be consumed off the premises where it is sold" does not
5 include candy. For purposes of this Section, "candy" means a
6 preparation of sugar, honey, or other natural or artificial
7 sweeteners in combination with chocolate, fruits, nuts or other
8 ingredients or flavorings in the form of bars, drops, or
9 pieces. "Candy" does not include any preparation that contains
10 flour or requires refrigeration.

11 Notwithstanding any other provisions of this Act,
12 beginning September 1, 2009, "nonprescription medicines and
13 drugs" does not include grooming and hygiene products. For
14 purposes of this Section, "grooming and hygiene products"
15 includes, but is not limited to, soaps and cleaning solutions,
16 shampoo, toothpaste, mouthwash, antiperspirants, and sun tan
17 lotions and screens, unless those products are available by
18 prescription only, regardless of whether the products meet the
19 definition of "over-the-counter-drugs". For the purposes of
20 this paragraph, "over-the-counter-drug" means a drug for human
21 use that contains a label that identifies the product as a drug
22 as required by 21 C.F.R. § 201.66. The "over-the-counter-drug"
23 label includes:

24 (A) A "Drug Facts" panel; or

25 (B) A statement of the "active ingredient(s)" with a
26 list of those ingredients contained in the compound,

1 substance or preparation.

2 Beginning on January 1, 2014 (the effective date of Public
3 Act 98-122), "prescription and nonprescription medicines and
4 drugs" includes medical cannabis purchased from a registered
5 dispensing organization under the Compassionate Use of Medical
6 Cannabis ~~Pilot~~ Program Act.

7 (Source: P.A. 99-143, eff. 7-27-15; 99-180, eff. 7-29-15;
8 99-642, eff. 7-28-16; 99-858, eff. 8-19-16; 100-22, eff.
9 7-6-17.)

10 Section 35. The Retailers' Occupation Tax Act is amended by
11 changing Section 2-10 as follows:

12 (35 ILCS 120/2-10)

13 Sec. 2-10. Rate of tax. Unless otherwise provided in this
14 Section, the tax imposed by this Act is at the rate of 6.25% of
15 gross receipts from sales of tangible personal property made in
16 the course of business.

17 Beginning on July 1, 2000 and through December 31, 2000,
18 with respect to motor fuel, as defined in Section 1.1 of the
19 Motor Fuel Tax Law, and gasohol, as defined in Section 3-40 of
20 the Use Tax Act, the tax is imposed at the rate of 1.25%.

21 Beginning on August 6, 2010 through August 15, 2010, with
22 respect to sales tax holiday items as defined in Section 2-8 of
23 this Act, the tax is imposed at the rate of 1.25%.

24 Within 14 days after the effective date of this amendatory

1 Act of the 91st General Assembly, each retailer of motor fuel
2 and gasohol shall cause the following notice to be posted in a
3 prominently visible place on each retail dispensing device that
4 is used to dispense motor fuel or gasohol in the State of
5 Illinois: "As of July 1, 2000, the State of Illinois has
6 eliminated the State's share of sales tax on motor fuel and
7 gasohol through December 31, 2000. The price on this pump
8 should reflect the elimination of the tax." The notice shall be
9 printed in bold print on a sign that is no smaller than 4
10 inches by 8 inches. The sign shall be clearly visible to
11 customers. Any retailer who fails to post or maintain a
12 required sign through December 31, 2000 is guilty of a petty
13 offense for which the fine shall be \$500 per day per each
14 retail premises where a violation occurs.

15 With respect to gasohol, as defined in the Use Tax Act, the
16 tax imposed by this Act applies to (i) 70% of the proceeds of
17 sales made on or after January 1, 1990, and before July 1,
18 2003, (ii) 80% of the proceeds of sales made on or after July
19 1, 2003 and on or before July 1, 2017, and (iii) 100% of the
20 proceeds of sales made thereafter. If, at any time, however,
21 the tax under this Act on sales of gasohol, as defined in the
22 Use Tax Act, is imposed at the rate of 1.25%, then the tax
23 imposed by this Act applies to 100% of the proceeds of sales of
24 gasohol made during that time.

25 With respect to majority blended ethanol fuel, as defined
26 in the Use Tax Act, the tax imposed by this Act does not apply

1 to the proceeds of sales made on or after July 1, 2003 and on or
2 before December 31, 2023 but applies to 100% of the proceeds of
3 sales made thereafter.

4 With respect to biodiesel blends, as defined in the Use Tax
5 Act, with no less than 1% and no more than 10% biodiesel, the
6 tax imposed by this Act applies to (i) 80% of the proceeds of
7 sales made on or after July 1, 2003 and on or before December
8 31, 2018 and (ii) 100% of the proceeds of sales made
9 thereafter. If, at any time, however, the tax under this Act on
10 sales of biodiesel blends, as defined in the Use Tax Act, with
11 no less than 1% and no more than 10% biodiesel is imposed at
12 the rate of 1.25%, then the tax imposed by this Act applies to
13 100% of the proceeds of sales of biodiesel blends with no less
14 than 1% and no more than 10% biodiesel made during that time.

15 With respect to 100% biodiesel, as defined in the Use Tax
16 Act, and biodiesel blends, as defined in the Use Tax Act, with
17 more than 10% but no more than 99% biodiesel, the tax imposed
18 by this Act does not apply to the proceeds of sales made on or
19 after July 1, 2003 and on or before December 31, 2023 but
20 applies to 100% of the proceeds of sales made thereafter.

21 With respect to food for human consumption that is to be
22 consumed off the premises where it is sold (other than
23 alcoholic beverages, soft drinks, and food that has been
24 prepared for immediate consumption) and prescription and
25 nonprescription medicines, drugs, medical appliances, products
26 classified as Class III medical devices by the United States

1 Food and Drug Administration that are used for cancer treatment
2 pursuant to a prescription, as well as any accessories and
3 components related to those devices, modifications to a motor
4 vehicle for the purpose of rendering it usable by a person with
5 a disability, and insulin, urine testing materials, syringes,
6 and needles used by diabetics, for human use, the tax is
7 imposed at the rate of 1%. For the purposes of this Section,
8 until September 1, 2009: the term "soft drinks" means any
9 complete, finished, ready-to-use, non-alcoholic drink, whether
10 carbonated or not, including but not limited to soda water,
11 cola, fruit juice, vegetable juice, carbonated water, and all
12 other preparations commonly known as soft drinks of whatever
13 kind or description that are contained in any closed or sealed
14 bottle, can, carton, or container, regardless of size; but
15 "soft drinks" does not include coffee, tea, non-carbonated
16 water, infant formula, milk or milk products as defined in the
17 Grade A Pasteurized Milk and Milk Products Act, or drinks
18 containing 50% or more natural fruit or vegetable juice.

19 Notwithstanding any other provisions of this Act,
20 beginning September 1, 2009, "soft drinks" means non-alcoholic
21 beverages that contain natural or artificial sweeteners. "Soft
22 drinks" do not include beverages that contain milk or milk
23 products, soy, rice or similar milk substitutes, or greater
24 than 50% of vegetable or fruit juice by volume.

25 Until August 1, 2009, and notwithstanding any other
26 provisions of this Act, "food for human consumption that is to

1 be consumed off the premises where it is sold" includes all
2 food sold through a vending machine, except soft drinks and
3 food products that are dispensed hot from a vending machine,
4 regardless of the location of the vending machine. Beginning
5 August 1, 2009, and notwithstanding any other provisions of
6 this Act, "food for human consumption that is to be consumed
7 off the premises where it is sold" includes all food sold
8 through a vending machine, except soft drinks, candy, and food
9 products that are dispensed hot from a vending machine,
10 regardless of the location of the vending machine.

11 Notwithstanding any other provisions of this Act,
12 beginning September 1, 2009, "food for human consumption that
13 is to be consumed off the premises where it is sold" does not
14 include candy. For purposes of this Section, "candy" means a
15 preparation of sugar, honey, or other natural or artificial
16 sweeteners in combination with chocolate, fruits, nuts or other
17 ingredients or flavorings in the form of bars, drops, or
18 pieces. "Candy" does not include any preparation that contains
19 flour or requires refrigeration.

20 Notwithstanding any other provisions of this Act,
21 beginning September 1, 2009, "nonprescription medicines and
22 drugs" does not include grooming and hygiene products. For
23 purposes of this Section, "grooming and hygiene products"
24 includes, but is not limited to, soaps and cleaning solutions,
25 shampoo, toothpaste, mouthwash, antiperspirants, and sun tan
26 lotions and screens, unless those products are available by

1 prescription only, regardless of whether the products meet the
2 definition of "over-the-counter-drugs". For the purposes of
3 this paragraph, "over-the-counter-drug" means a drug for human
4 use that contains a label that identifies the product as a drug
5 as required by 21 C.F.R. § 201.66. The "over-the-counter-drug"
6 label includes:

7 (A) A "Drug Facts" panel; or

8 (B) A statement of the "active ingredient(s)" with a
9 list of those ingredients contained in the compound,
10 substance or preparation.

11 Beginning on the effective date of this amendatory Act of
12 the 98th General Assembly, "prescription and nonprescription
13 medicines and drugs" includes medical cannabis purchased from a
14 registered dispensing organization under the Compassionate Use
15 of Medical Cannabis ~~Pilot~~ Program Act.

16 (Source: P.A. 99-143, eff. 7-27-15; 99-858, eff. 8-19-16;
17 100-22, eff. 7-6-17.)

18 Section 40. The School Code is amended by changing Section
19 22-33 as follows:

20 (105 ILCS 5/22-33)

21 Sec. 22-33. Medical cannabis.

22 (a) This Section may be referred to as Ashley's Law.

23 (a-5) In this Section, "designated caregiver", "medical
24 cannabis infused product", "qualifying patient", and

1 "registered" have the meanings given to those terms under
2 Section 10 of the Compassionate Use of Medical Cannabis ~~Pilot~~
3 Program Act.

4 (b) Subject to the restrictions under subsections (c)
5 through (g) of this Section, a school district, public school,
6 charter school, or nonpublic school shall authorize a parent or
7 guardian or any other individual registered with the Department
8 of Public Health as a designated caregiver of a student who is
9 a registered qualifying patient to administer a medical
10 cannabis infused product to the student on the premises of the
11 child's school or on the child's school bus if both the student
12 (as a registered qualifying patient) and the parent or guardian
13 or other individual (as a registered designated caregiver) have
14 been issued registry identification cards under the
15 Compassionate Use of Medical Cannabis ~~Pilot~~ Program Act. After
16 administering the product, the parent or guardian or other
17 individual shall remove the product from the school premises or
18 the school bus.

19 (c) A parent or guardian or other individual may not
20 administer a medical cannabis infused product under this
21 Section in a manner that, in the opinion of the school district
22 or school, would create a disruption to the school's
23 educational environment or would cause exposure of the product
24 to other students.

25 (d) A school district or school may not discipline a
26 student who is administered a medical cannabis infused product

1 by a parent or guardian or other individual under this Section
2 and may not deny the student's eligibility to attend school
3 solely because the student requires the administration of the
4 product.

5 (e) Nothing in this Section requires a member of a school's
6 staff to administer a medical cannabis infused product to a
7 student.

8 (f) A school district, public school, charter school, or
9 nonpublic school may not authorize the use of a medical
10 cannabis infused product under this Section if the school
11 district or school would lose federal funding as a result of
12 the authorization.

13 (g) A school district, public school, charter school, or
14 nonpublic school shall adopt a policy to implement this
15 Section.

16 (Source: P.A. 100-660, eff. 8-1-18.)

17 Section 45. The Medical Practice Act of 1987 is amended by
18 changing Section 22 as follows:

19 (225 ILCS 60/22) (from Ch. 111, par. 4400-22)

20 (Section scheduled to be repealed on December 31, 2019)

21 Sec. 22. Disciplinary action.

22 (A) The Department may revoke, suspend, place on probation,
23 reprimand, refuse to issue or renew, or take any other
24 disciplinary or non-disciplinary action as the Department may

1 deem proper with regard to the license or permit of any person
2 issued under this Act, including imposing fines not to exceed
3 \$10,000 for each violation, upon any of the following grounds:

4 (1) Performance of an elective abortion in any place,
5 locale, facility, or institution other than:

6 (a) a facility licensed pursuant to the Ambulatory
7 Surgical Treatment Center Act;

8 (b) an institution licensed under the Hospital
9 Licensing Act;

10 (c) an ambulatory surgical treatment center or
11 hospitalization or care facility maintained by the
12 State or any agency thereof, where such department or
13 agency has authority under law to establish and enforce
14 standards for the ambulatory surgical treatment
15 centers, hospitalization, or care facilities under its
16 management and control;

17 (d) ambulatory surgical treatment centers,
18 hospitalization or care facilities maintained by the
19 Federal Government; or

20 (e) ambulatory surgical treatment centers,
21 hospitalization or care facilities maintained by any
22 university or college established under the laws of
23 this State and supported principally by public funds
24 raised by taxation.

25 (2) Performance of an abortion procedure in a willful
26 and wanton manner on a woman who was not pregnant at the

1 time the abortion procedure was performed.

2 (3) A plea of guilty or nolo contendere, finding of
3 guilt, jury verdict, or entry of judgment or sentencing,
4 including, but not limited to, convictions, preceding
5 sentences of supervision, conditional discharge, or first
6 offender probation, under the laws of any jurisdiction of
7 the United States of any crime that is a felony.

8 (4) Gross negligence in practice under this Act.

9 (5) Engaging in dishonorable, unethical or
10 unprofessional conduct of a character likely to deceive,
11 defraud or harm the public.

12 (6) Obtaining any fee by fraud, deceit, or
13 misrepresentation.

14 (7) Habitual or excessive use or abuse of drugs defined
15 in law as controlled substances, of alcohol, or of any
16 other substances which results in the inability to practice
17 with reasonable judgment, skill or safety.

18 (8) Practicing under a false or, except as provided by
19 law, an assumed name.

20 (9) Fraud or misrepresentation in applying for, or
21 procuring, a license under this Act or in connection with
22 applying for renewal of a license under this Act.

23 (10) Making a false or misleading statement regarding
24 their skill or the efficacy or value of the medicine,
25 treatment, or remedy prescribed by them at their direction
26 in the treatment of any disease or other condition of the

1 body or mind.

2 (11) Allowing another person or organization to use
3 their license, procured under this Act, to practice.

4 (12) Adverse action taken by another state or
5 jurisdiction against a license or other authorization to
6 practice as a medical doctor, doctor of osteopathy, doctor
7 of osteopathic medicine or doctor of chiropractic, a
8 certified copy of the record of the action taken by the
9 other state or jurisdiction being prima facie evidence
10 thereof. This includes any adverse action taken by a State
11 or federal agency that prohibits a medical doctor, doctor
12 of osteopathy, doctor of osteopathic medicine, or doctor of
13 chiropractic from providing services to the agency's
14 participants.

15 (13) Violation of any provision of this Act or of the
16 Medical Practice Act prior to the repeal of that Act, or
17 violation of the rules, or a final administrative action of
18 the Secretary, after consideration of the recommendation
19 of the Disciplinary Board.

20 (14) Violation of the prohibition against fee
21 splitting in Section 22.2 of this Act.

22 (15) A finding by the Disciplinary Board that the
23 registrant after having his or her license placed on
24 probationary status or subjected to conditions or
25 restrictions violated the terms of the probation or failed
26 to comply with such terms or conditions.

1 (16) Abandonment of a patient.

2 (17) Prescribing, selling, administering,
3 distributing, giving or self-administering any drug
4 classified as a controlled substance (designated product)
5 or narcotic for other than medically accepted therapeutic
6 purposes.

7 (18) Promotion of the sale of drugs, devices,
8 appliances or goods provided for a patient in such manner
9 as to exploit the patient for financial gain of the
10 physician.

11 (19) Offering, undertaking or agreeing to cure or treat
12 disease by a secret method, procedure, treatment or
13 medicine, or the treating, operating or prescribing for any
14 human condition by a method, means or procedure which the
15 licensee refuses to divulge upon demand of the Department.

16 (20) Immoral conduct in the commission of any act
17 including, but not limited to, commission of an act of
18 sexual misconduct related to the licensee's practice.

19 (21) Willfully making or filing false records or
20 reports in his or her practice as a physician, including,
21 but not limited to, false records to support claims against
22 the medical assistance program of the Department of
23 Healthcare and Family Services (formerly Department of
24 Public Aid) under the Illinois Public Aid Code.

25 (22) Willful omission to file or record, or willfully
26 impeding the filing or recording, or inducing another

1 person to omit to file or record, medical reports as
2 required by law, or willfully failing to report an instance
3 of suspected abuse or neglect as required by law.

4 (23) Being named as a perpetrator in an indicated
5 report by the Department of Children and Family Services
6 under the Abused and Neglected Child Reporting Act, and
7 upon proof by clear and convincing evidence that the
8 licensee has caused a child to be an abused child or
9 neglected child as defined in the Abused and Neglected
10 Child Reporting Act.

11 (24) Solicitation of professional patronage by any
12 corporation, agents or persons, or profiting from those
13 representing themselves to be agents of the licensee.

14 (25) Gross and willful and continued overcharging for
15 professional services, including filing false statements
16 for collection of fees for which services are not rendered,
17 including, but not limited to, filing such false statements
18 for collection of monies for services not rendered from the
19 medical assistance program of the Department of Healthcare
20 and Family Services (formerly Department of Public Aid)
21 under the Illinois Public Aid Code.

22 (26) A pattern of practice or other behavior which
23 demonstrates incapacity or incompetence to practice under
24 this Act.

25 (27) Mental illness or disability which results in the
26 inability to practice under this Act with reasonable

1 judgment, skill or safety.

2 (28) Physical illness, including, but not limited to,
3 deterioration through the aging process, or loss of motor
4 skill which results in a physician's inability to practice
5 under this Act with reasonable judgment, skill or safety.

6 (29) Cheating on or attempt to subvert the licensing
7 examinations administered under this Act.

8 (30) Willfully or negligently violating the
9 confidentiality between physician and patient except as
10 required by law.

11 (31) The use of any false, fraudulent, or deceptive
12 statement in any document connected with practice under
13 this Act.

14 (32) Aiding and abetting an individual not licensed
15 under this Act in the practice of a profession licensed
16 under this Act.

17 (33) Violating state or federal laws or regulations
18 relating to controlled substances, legend drugs, or
19 ephedra as defined in the Ephedra Prohibition Act.

20 (34) Failure to report to the Department any adverse
21 final action taken against them by another licensing
22 jurisdiction (any other state or any territory of the
23 United States or any foreign state or country), by any peer
24 review body, by any health care institution, by any
25 professional society or association related to practice
26 under this Act, by any governmental agency, by any law

1 enforcement agency, or by any court for acts or conduct
2 similar to acts or conduct which would constitute grounds
3 for action as defined in this Section.

4 (35) Failure to report to the Department surrender of a
5 license or authorization to practice as a medical doctor, a
6 doctor of osteopathy, a doctor of osteopathic medicine, or
7 doctor of chiropractic in another state or jurisdiction, or
8 surrender of membership on any medical staff or in any
9 medical or professional association or society, while
10 under disciplinary investigation by any of those
11 authorities or bodies, for acts or conduct similar to acts
12 or conduct which would constitute grounds for action as
13 defined in this Section.

14 (36) Failure to report to the Department any adverse
15 judgment, settlement, or award arising from a liability
16 claim related to acts or conduct similar to acts or conduct
17 which would constitute grounds for action as defined in
18 this Section.

19 (37) Failure to provide copies of medical records as
20 required by law.

21 (38) Failure to furnish the Department, its
22 investigators or representatives, relevant information,
23 legally requested by the Department after consultation
24 with the Chief Medical Coordinator or the Deputy Medical
25 Coordinator.

26 (39) Violating the Health Care Worker Self-Referral

1 Act.

2 (40) Willful failure to provide notice when notice is
3 required under the Parental Notice of Abortion Act of 1995.

4 (41) Failure to establish and maintain records of
5 patient care and treatment as required by this law.

6 (42) Entering into an excessive number of written
7 collaborative agreements with licensed advanced practice
8 registered nurses resulting in an inability to adequately
9 collaborate.

10 (43) Repeated failure to adequately collaborate with a
11 licensed advanced practice registered nurse.

12 (44) Violating the Compassionate Use of Medical
13 Cannabis ~~Pilot~~ Program Act.

14 (45) Entering into an excessive number of written
15 collaborative agreements with licensed prescribing
16 psychologists resulting in an inability to adequately
17 collaborate.

18 (46) Repeated failure to adequately collaborate with a
19 licensed prescribing psychologist.

20 (47) Willfully failing to report an instance of
21 suspected abuse, neglect, financial exploitation, or
22 self-neglect of an eligible adult as defined in and
23 required by the Adult Protective Services Act.

24 (48) Being named as an abuser in a verified report by
25 the Department on Aging under the Adult Protective Services
26 Act, and upon proof by clear and convincing evidence that

1 the licensee abused, neglected, or financially exploited
2 an eligible adult as defined in the Adult Protective
3 Services Act.

4 (49) Entering into an excessive number of written
5 collaborative agreements with licensed physician
6 assistants resulting in an inability to adequately
7 collaborate.

8 (50) Repeated failure to adequately collaborate with a
9 physician assistant.

10 Except for actions involving the ground numbered (26), all
11 proceedings to suspend, revoke, place on probationary status,
12 or take any other disciplinary action as the Department may
13 deem proper, with regard to a license on any of the foregoing
14 grounds, must be commenced within 5 years next after receipt by
15 the Department of a complaint alleging the commission of or
16 notice of the conviction order for any of the acts described
17 herein. Except for the grounds numbered (8), (9), (26), and
18 (29), no action shall be commenced more than 10 years after the
19 date of the incident or act alleged to have violated this
20 Section. For actions involving the ground numbered (26), a
21 pattern of practice or other behavior includes all incidents
22 alleged to be part of the pattern of practice or other behavior
23 that occurred, or a report pursuant to Section 23 of this Act
24 received, within the 10-year period preceding the filing of the
25 complaint. In the event of the settlement of any claim or cause
26 of action in favor of the claimant or the reduction to final

1 judgment of any civil action in favor of the plaintiff, such
2 claim, cause of action or civil action being grounded on the
3 allegation that a person licensed under this Act was negligent
4 in providing care, the Department shall have an additional
5 period of 2 years from the date of notification to the
6 Department under Section 23 of this Act of such settlement or
7 final judgment in which to investigate and commence formal
8 disciplinary proceedings under Section 36 of this Act, except
9 as otherwise provided by law. The time during which the holder
10 of the license was outside the State of Illinois shall not be
11 included within any period of time limiting the commencement of
12 disciplinary action by the Department.

13 The entry of an order or judgment by any circuit court
14 establishing that any person holding a license under this Act
15 is a person in need of mental treatment operates as a
16 suspension of that license. That person may resume their
17 practice only upon the entry of a Departmental order based upon
18 a finding by the Disciplinary Board that they have been
19 determined to be recovered from mental illness by the court and
20 upon the Disciplinary Board's recommendation that they be
21 permitted to resume their practice.

22 The Department may refuse to issue or take disciplinary
23 action concerning the license of any person who fails to file a
24 return, or to pay the tax, penalty or interest shown in a filed
25 return, or to pay any final assessment of tax, penalty or
26 interest, as required by any tax Act administered by the

1 Illinois Department of Revenue, until such time as the
2 requirements of any such tax Act are satisfied as determined by
3 the Illinois Department of Revenue.

4 The Department, upon the recommendation of the
5 Disciplinary Board, shall adopt rules which set forth standards
6 to be used in determining:

7 (a) when a person will be deemed sufficiently
8 rehabilitated to warrant the public trust;

9 (b) what constitutes dishonorable, unethical or
10 unprofessional conduct of a character likely to deceive,
11 defraud, or harm the public;

12 (c) what constitutes immoral conduct in the commission
13 of any act, including, but not limited to, commission of an
14 act of sexual misconduct related to the licensee's
15 practice; and

16 (d) what constitutes gross negligence in the practice
17 of medicine.

18 However, no such rule shall be admissible into evidence in
19 any civil action except for review of a licensing or other
20 disciplinary action under this Act.

21 In enforcing this Section, the Disciplinary Board or the
22 Licensing Board, upon a showing of a possible violation, may
23 compel, in the case of the Disciplinary Board, any individual
24 who is licensed to practice under this Act or holds a permit to
25 practice under this Act, or, in the case of the Licensing
26 Board, any individual who has applied for licensure or a permit

1 pursuant to this Act, to submit to a mental or physical
2 examination and evaluation, or both, which may include a
3 substance abuse or sexual offender evaluation, as required by
4 the Licensing Board or Disciplinary Board and at the expense of
5 the Department. The Disciplinary Board or Licensing Board shall
6 specifically designate the examining physician licensed to
7 practice medicine in all of its branches or, if applicable, the
8 multidisciplinary team involved in providing the mental or
9 physical examination and evaluation, or both. The
10 multidisciplinary team shall be led by a physician licensed to
11 practice medicine in all of its branches and may consist of one
12 or more or a combination of physicians licensed to practice
13 medicine in all of its branches, licensed chiropractic
14 physicians, licensed clinical psychologists, licensed clinical
15 social workers, licensed clinical professional counselors, and
16 other professional and administrative staff. Any examining
17 physician or member of the multidisciplinary team may require
18 any person ordered to submit to an examination and evaluation
19 pursuant to this Section to submit to any additional
20 supplemental testing deemed necessary to complete any
21 examination or evaluation process, including, but not limited
22 to, blood testing, urinalysis, psychological testing, or
23 neuropsychological testing. The Disciplinary Board, the
24 Licensing Board, or the Department may order the examining
25 physician or any member of the multidisciplinary team to
26 provide to the Department, the Disciplinary Board, or the

1 Licensing Board any and all records, including business
2 records, that relate to the examination and evaluation,
3 including any supplemental testing performed. The Disciplinary
4 Board, the Licensing Board, or the Department may order the
5 examining physician or any member of the multidisciplinary team
6 to present testimony concerning this examination and
7 evaluation of the licensee, permit holder, or applicant,
8 including testimony concerning any supplemental testing or
9 documents relating to the examination and evaluation. No
10 information, report, record, or other documents in any way
11 related to the examination and evaluation shall be excluded by
12 reason of any common law or statutory privilege relating to
13 communication between the licensee, permit holder, or
14 applicant and the examining physician or any member of the
15 multidisciplinary team. No authorization is necessary from the
16 licensee, permit holder, or applicant ordered to undergo an
17 evaluation and examination for the examining physician or any
18 member of the multidisciplinary team to provide information,
19 reports, records, or other documents or to provide any
20 testimony regarding the examination and evaluation. The
21 individual to be examined may have, at his or her own expense,
22 another physician of his or her choice present during all
23 aspects of the examination. Failure of any individual to submit
24 to mental or physical examination and evaluation, or both, when
25 directed, shall result in an automatic suspension, without
26 hearing, until such time as the individual submits to the

1 examination. If the Disciplinary Board or Licensing Board finds
2 a physician unable to practice following an examination and
3 evaluation because of the reasons set forth in this Section,
4 the Disciplinary Board or Licensing Board shall require such
5 physician to submit to care, counseling, or treatment by
6 physicians, or other health care professionals, approved or
7 designated by the Disciplinary Board, as a condition for
8 issued, continued, reinstated, or renewed licensure to
9 practice. Any physician, whose license was granted pursuant to
10 Sections 9, 17, or 19 of this Act, or, continued, reinstated,
11 renewed, disciplined or supervised, subject to such terms,
12 conditions or restrictions who shall fail to comply with such
13 terms, conditions or restrictions, or to complete a required
14 program of care, counseling, or treatment, as determined by the
15 Chief Medical Coordinator or Deputy Medical Coordinators,
16 shall be referred to the Secretary for a determination as to
17 whether the licensee shall have their license suspended
18 immediately, pending a hearing by the Disciplinary Board. In
19 instances in which the Secretary immediately suspends a license
20 under this Section, a hearing upon such person's license must
21 be convened by the Disciplinary Board within 15 days after such
22 suspension and completed without appreciable delay. The
23 Disciplinary Board shall have the authority to review the
24 subject physician's record of treatment and counseling
25 regarding the impairment, to the extent permitted by applicable
26 federal statutes and regulations safeguarding the

1 confidentiality of medical records.

2 An individual licensed under this Act, affected under this
3 Section, shall be afforded an opportunity to demonstrate to the
4 Disciplinary Board that they can resume practice in compliance
5 with acceptable and prevailing standards under the provisions
6 of their license.

7 The Department may promulgate rules for the imposition of
8 fines in disciplinary cases, not to exceed \$10,000 for each
9 violation of this Act. Fines may be imposed in conjunction with
10 other forms of disciplinary action, but shall not be the
11 exclusive disposition of any disciplinary action arising out of
12 conduct resulting in death or injury to a patient. Any funds
13 collected from such fines shall be deposited in the Illinois
14 State Medical Disciplinary Fund.

15 All fines imposed under this Section shall be paid within
16 60 days after the effective date of the order imposing the fine
17 or in accordance with the terms set forth in the order imposing
18 the fine.

19 (B) The Department shall revoke the license or permit
20 issued under this Act to practice medicine or a chiropractic
21 physician who has been convicted a second time of committing
22 any felony under the Illinois Controlled Substances Act or the
23 Methamphetamine Control and Community Protection Act, or who
24 has been convicted a second time of committing a Class 1 felony
25 under Sections 8A-3 and 8A-6 of the Illinois Public Aid Code. A
26 person whose license or permit is revoked under this subsection

1 B shall be prohibited from practicing medicine or treating
2 human ailments without the use of drugs and without operative
3 surgery.

4 (C) The Department shall not revoke, suspend, place on
5 probation, reprimand, refuse to issue or renew, or take any
6 other disciplinary or non-disciplinary action against the
7 license or permit issued under this Act to practice medicine to
8 a physician:

9 (1) based solely upon the recommendation of the
10 physician to an eligible patient regarding, or
11 prescription for, or treatment with, an investigational
12 drug, biological product, or device; or

13 (2) for experimental treatment for Lyme disease or
14 other tick-borne diseases, including, but not limited to,
15 the prescription of or treatment with long-term
16 antibiotics.

17 (D) The Disciplinary Board shall recommend to the
18 Department civil penalties and any other appropriate
19 discipline in disciplinary cases when the Board finds that a
20 physician willfully performed an abortion with actual
21 knowledge that the person upon whom the abortion has been
22 performed is a minor or an incompetent person without notice as
23 required under the Parental Notice of Abortion Act of 1995.
24 Upon the Board's recommendation, the Department shall impose,
25 for the first violation, a civil penalty of \$1,000 and for a
26 second or subsequent violation, a civil penalty of \$5,000.

1 (Source: P.A. 99-270, eff. 1-1-16; 99-933, eff. 1-27-17;
2 100-429, eff. 8-25-17; 100-513, eff. 1-1-18; 100-605, eff.
3 1-1-19; 100-863, eff. 8-14-18; 100-1137, eff. 1-1-19; revised
4 12-19-18.)

5 Section 50. The Compassionate Use of Medical Cannabis Pilot
6 Program Act is amended by changing Sections 1, 7, 10, 30, 35,
7 36, 55, 57, 62, 75, 130, 195, and 200 as follows:

8 (410 ILCS 130/1)

9 (Section scheduled to be repealed on July 1, 2020)

10 Sec. 1. Short title. This Act may be cited as the
11 Compassionate Use of Medical Cannabis ~~Pilot~~ Program Act.

12 (Source: P.A. 98-122, eff. 1-1-14.)

13 (410 ILCS 130/7)

14 (Section scheduled to be repealed on July 1, 2020)

15 Sec. 7. Lawful user and lawful products. For the purposes
16 of this Act and to clarify the legislative findings on the
17 lawful use of cannabis:

18 (1) A cardholder under this Act shall not be considered
19 an unlawful user or addicted to narcotics solely as a
20 result of his or her qualifying patient or designated
21 caregiver status.

22 (2) All medical cannabis products purchased by a
23 qualifying patient at a licensed dispensing organization

1 shall be lawful products and a distinction shall be made
2 between medical and non-medical uses of cannabis as a
3 result of the qualifying patient's cardholder status,
4 provisional registration for qualifying patient cardholder
5 status, or participation in the Opioid Alternative Pilot
6 Program under the authorized use granted under State law.

7 (3) An individual with a provisional registration for
8 qualifying patient cardholder status, a qualifying patient
9 in the Compassionate Use of Medical Cannabis Program
10 ~~medical cannabis pilot program~~, or an Opioid Alternative
11 Pilot Program participant under Section 62 shall not be
12 considered an unlawful user or addicted to narcotics solely
13 as a result of his or her application to or participation
14 in the program.

15 (Source: P.A. 99-519, eff. 6-30-16; 100-1114, eff. 8-28-18.)

16 (410 ILCS 130/10)

17 (Section scheduled to be repealed on July 1, 2020)

18 Sec. 10. Definitions. The following terms, as used in this
19 Act, shall have the meanings set forth in this Section:

20 (a) "Adequate supply" means:

21 (1) 2.5 ounces of usable cannabis during a period of 14
22 days and that is derived solely from an intrastate source.

23 (2) Subject to the rules of the Department of Public
24 Health, a patient may apply for a waiver where a physician
25 provides a substantial medical basis in a signed, written

1 statement asserting that, based on the patient's medical
2 history, in the physician's professional judgment, 2.5
3 ounces is an insufficient adequate supply for a 14-day
4 period to properly alleviate the patient's debilitating
5 medical condition or symptoms associated with the
6 debilitating medical condition.

7 (3) This subsection may not be construed to authorize
8 the possession of more than 2.5 ounces at any time without
9 authority from the Department of Public Health.

10 (4) The pre-mixed weight of medical cannabis used in
11 making a cannabis infused product shall apply toward the
12 limit on the total amount of medical cannabis a registered
13 qualifying patient may possess at any one time.

14 (b) "Cannabis" has the meaning given that term in Section 3
15 of the Cannabis Control Act.

16 (c) "Cannabis plant monitoring system" means a system that
17 includes, but is not limited to, testing and data collection
18 established and maintained by the registered cultivation
19 center and available to the Department for the purposes of
20 documenting each cannabis plant and for monitoring plant
21 development throughout the life cycle of a cannabis plant
22 cultivated for the intended use by a qualifying patient from
23 seed planting to final packaging.

24 (d) "Cardholder" means a qualifying patient or a designated
25 caregiver who has been issued and possesses a valid registry
26 identification card by the Department of Public Health.

1 (e) "Cultivation center" means a facility operated by an
2 organization or business that is registered by the Department
3 of Agriculture to perform necessary activities to provide only
4 registered medical cannabis dispensing organizations with
5 usable medical cannabis.

6 (f) "Cultivation center agent" means a principal officer,
7 board member, employee, or agent of a registered cultivation
8 center who is 21 years of age or older and has not been
9 convicted of an excluded offense.

10 (g) "Cultivation center agent identification card" means a
11 document issued by the Department of Agriculture that
12 identifies a person as a cultivation center agent.

13 (h) "Debilitating medical condition" means one or more of
14 the following:

15 (1) cancer, glaucoma, positive status for human
16 immunodeficiency virus, acquired immune deficiency
17 syndrome, hepatitis C, amyotrophic lateral sclerosis,
18 Crohn's disease, agitation of Alzheimer's disease,
19 cachexia/wasting syndrome, muscular dystrophy, severe
20 fibromyalgia, spinal cord disease, including but not
21 limited to arachnoiditis, Tarlov cysts, hydromyelia,
22 syringomyelia, Rheumatoid arthritis, fibrous dysplasia,
23 spinal cord injury, traumatic brain injury and
24 post-concussion syndrome, Multiple Sclerosis,
25 Arnold-Chiari malformation and Syringomyelia,
26 Spinocerebellar Ataxia (SCA), Parkinson's, Tourette's,

1 Myoclonus, Dystonia, Reflex Sympathetic Dystrophy, RSD
2 (Complex Regional Pain Syndromes Type I), Causalgia, CRPS
3 (Complex Regional Pain Syndromes Type II),
4 Neurofibromatosis, Chronic Inflammatory Demyelinating
5 Polyneuropathy, Sjogren's syndrome, Lupus, Interstitial
6 Cystitis, Myasthenia Gravis, Hydrocephalus, nail-patella
7 syndrome, residual limb pain, seizures (including those
8 characteristic of epilepsy), post-traumatic stress
9 disorder (PTSD), autism, chronic pain, irritable bowel
10 syndrome, migraines, osteoarthritis, anorexia nervosa,
11 Ehlers-Danlos Syndrome, Neuro-Behcet's Autoimmune Disease,
12 neuropathy, polycystic kidney disease, superior canal
13 dehiscence syndrome, or the treatment of these conditions;

14 (1.5) terminal illness with a diagnosis of 6 months or
15 less; if the terminal illness is not one of the qualifying
16 debilitating medical conditions, then the physician shall
17 on the certification form identify the cause of the
18 terminal illness; ~~or~~

19 (1.10) a medical condition or symptom that, in the
20 professional opinion and experience of the physician, a
21 person with the condition or symptom may benefit from the
22 use of medical cannabis; or

23 (2) any other debilitating medical condition or its
24 treatment that is added by the Department of Public Health
25 by rule as provided in Section 45.

26 (i) "Designated caregiver" means a person who: (1) is at

1 least 21 years of age; (2) has agreed to assist with a
2 patient's medical use of cannabis; (3) has not been convicted
3 of an excluded offense; and (4) assists no more than one
4 registered qualifying patient with his or her medical use of
5 cannabis.

6 (j) "Dispensing organization agent identification card"
7 means a document issued by the Department of Financial and
8 Professional Regulation that identifies a person as a medical
9 cannabis dispensing organization agent.

10 (k) "Enclosed, locked facility" means a room, greenhouse,
11 building, or other enclosed area equipped with locks or other
12 security devices that permit access only by a cultivation
13 center's agents or a dispensing organization's agent working
14 for the registered cultivation center or the registered
15 dispensing organization to cultivate, store, and distribute
16 cannabis for registered qualifying patients.

17 (l) "Excluded offense" for cultivation center agents and
18 dispensing organizations means:

19 (1) a violent crime defined in Section 3 of the Rights
20 of Crime Victims and Witnesses Act or a substantially
21 similar offense that was classified as a felony in the
22 jurisdiction where the person was convicted; or

23 (2) a violation of a state or federal controlled
24 substance law, the Cannabis Control Act, or the
25 Methamphetamine Control and Community Protection Act that
26 was classified as a felony in the jurisdiction where the

1 person was convicted, except that the registering
2 Department may waive this restriction if the person
3 demonstrates to the registering Department's satisfaction
4 that his or her conviction was for the possession,
5 cultivation, transfer, or delivery of a reasonable amount
6 of cannabis intended for medical use. This exception does
7 not apply if the conviction was under state law and
8 involved a violation of an existing medical cannabis law.

9 For purposes of this subsection, the Department of Public
10 Health shall determine by emergency rule within 30 days after
11 the effective date of this amendatory Act of the 99th General
12 Assembly what constitutes a "reasonable amount".

13 (1-5) (Blank).

14 (1-10) "Illinois Cannabis Tracking System" means a
15 web-based system established and maintained by the Department
16 of Public Health that is available to the Department of
17 Agriculture, the Department of Financial and Professional
18 Regulation, the Illinois State Police, and registered medical
19 cannabis dispensing organizations on a 24-hour basis to upload
20 written certifications for Opioid Alternative Pilot Program
21 participants, to verify Opioid Alternative Pilot Program
22 participants, to verify Opioid Alternative Pilot Program
23 participants' available cannabis allotment and assigned
24 dispensary, and the tracking of the date of sale, amount, and
25 price of medical cannabis purchased by an Opioid Alternative
26 Pilot Program participant.

1 (m) "Medical cannabis cultivation center registration"
2 means a registration issued by the Department of Agriculture.

3 (n) "Medical cannabis container" means a sealed,
4 traceable, food compliant, tamper resistant, tamper evident
5 container, or package used for the purpose of containment of
6 medical cannabis from a cultivation center to a dispensing
7 organization.

8 (o) "Medical cannabis dispensing organization", or
9 "dispensing organization", or "dispensary organization" means
10 a facility operated by an organization or business that is
11 registered by the Department of Financial and Professional
12 Regulation to acquire medical cannabis from a registered
13 cultivation center for the purpose of dispensing cannabis,
14 paraphernalia, or related supplies and educational materials
15 to registered qualifying patients, individuals with a
16 provisional registration for qualifying patient cardholder
17 status, or an Opioid Alternative Pilot Program participant.

18 (p) "Medical cannabis dispensing organization agent" or
19 "dispensing organization agent" means a principal officer,
20 board member, employee, or agent of a registered medical
21 cannabis dispensing organization who is 21 years of age or
22 older and has not been convicted of an excluded offense.

23 (q) "Medical cannabis infused product" means food, oils,
24 ointments, or other products containing usable cannabis that
25 are not smoked.

26 (r) "Medical use" means the acquisition; administration;

1 delivery; possession; transfer; transportation; or use of
2 cannabis to treat or alleviate a registered qualifying
3 patient's debilitating medical condition or symptoms
4 associated with the patient's debilitating medical condition.

5 (r-5) "Opioid" means a narcotic drug or substance that is a
6 Schedule II controlled substance under paragraph (1), (2), (3),
7 or (5) of subsection (b) or under subsection (c) of Section 206
8 of the Illinois Controlled Substances Act.

9 (r-10) "Opioid Alternative Pilot Program participant"
10 means an individual who has received a valid written
11 certification to participate in the Opioid Alternative Pilot
12 Program for a medical condition for which an opioid has been or
13 could be prescribed by a physician based on generally accepted
14 standards of care.

15 (s) "Physician" means a doctor of medicine or doctor of
16 osteopathy licensed under the Medical Practice Act of 1987 to
17 practice medicine and who has a controlled substances license
18 under Article III of the Illinois Controlled Substances Act. It
19 does not include a licensed practitioner under any other Act
20 including but not limited to the Illinois Dental Practice Act.

21 (s-5) "Provisional registration" means a document issued
22 by the Department of Public Health to a qualifying patient who
23 has submitted: (1) an online application and paid a fee to
24 participate in Compassionate Use of Medical Cannabis ~~Pilot~~
25 Program pending approval or denial of the patient's
26 application; or (2) a completed application for terminal

1 illness.

2 (t) "Qualifying patient" means a person who has been
3 diagnosed by a physician as having a debilitating medical
4 condition.

5 (u) "Registered" means licensed, permitted, or otherwise
6 certified by the Department of Agriculture, Department of
7 Public Health, or Department of Financial and Professional
8 Regulation.

9 (v) "Registry identification card" means a document issued
10 by the Department of Public Health that identifies a person as
11 a registered qualifying patient or registered designated
12 caregiver.

13 (w) "Usable cannabis" means the seeds, leaves, buds, and
14 flowers of the cannabis plant and any mixture or preparation
15 thereof, but does not include the stalks, and roots of the
16 plant. It does not include the weight of any non-cannabis
17 ingredients combined with cannabis, such as ingredients added
18 to prepare a topical administration, food, or drink.

19 (x) "Verification system" means a Web-based system
20 established and maintained by the Department of Public Health
21 that is available to the Department of Agriculture, the
22 Department of Financial and Professional Regulation, law
23 enforcement personnel, and registered medical cannabis
24 dispensing organization agents on a 24-hour basis for the
25 verification of registry identification cards, the tracking of
26 delivery of medical cannabis to medical cannabis dispensing

1 organizations, and the tracking of the date of sale, amount,
2 and price of medical cannabis purchased by a registered
3 qualifying patient.

4 (y) "Written certification" means a document dated and
5 signed by a physician, stating (1) that the qualifying patient
6 has a debilitating medical condition and specifying the
7 debilitating medical condition the qualifying patient has; and
8 (2) that (A) the physician is treating or managing treatment of
9 the patient's debilitating medical condition; or (B) an Opioid
10 Alternative Pilot Program participant has a medical condition
11 for which opioids have been or could be prescribed. A written
12 certification shall be made only in the course of a bona fide
13 physician-patient relationship, after the physician has
14 completed an assessment of either a qualifying patient's
15 medical history or Opioid Alternative Pilot Program
16 participant, reviewed relevant records related to the
17 patient's debilitating condition, and conducted a physical
18 examination.

19 (z) "Bona fide physician-patient relationship" means a
20 relationship established at a hospital, physician's office, or
21 other health care facility in which the physician has an
22 ongoing responsibility for the assessment, care, and treatment
23 of a patient's debilitating medical condition or a symptom of
24 the patient's debilitating medical condition.

25 A veteran who has received treatment at a VA hospital shall
26 be deemed to have a bona fide physician-patient relationship

1 with a VA physician if the patient has been seen for his or her
2 debilitating medical condition at the VA Hospital in accordance
3 with VA Hospital protocols.

4 A bona fide physician-patient relationship under this
5 subsection is a privileged communication within the meaning of
6 Section 8-802 of the Code of Civil Procedure.

7 (Source: P.A. 99-519, eff. 6-30-16; 100-1114, eff. 8-28-18.)

8 (410 ILCS 130/30)

9 (Section scheduled to be repealed on July 1, 2020)

10 Sec. 30. Limitations and penalties.

11 (a) This Act does not permit any person to engage in, and
12 does not prevent the imposition of any civil, criminal, or
13 other penalties for engaging in, the following conduct:

14 (1) Undertaking any task under the influence of
15 cannabis, when doing so would constitute negligence,
16 professional malpractice, or professional misconduct;

17 (2) Possessing cannabis:

18 (A) except as provided under Section 22-33 of the
19 School Code, in a school bus;

20 (B) except as provided under Section 22-33 of the
21 School Code, on the grounds of any preschool or primary
22 or secondary school;

23 (C) in any correctional facility;

24 (D) in a vehicle under Section 11-502.1 of the
25 Illinois Vehicle Code;

1 (E) in a vehicle not open to the public unless the
2 medical cannabis is in a reasonably secured, sealed,
3 ~~tamper-evident~~ container and reasonably inaccessible
4 while the vehicle is moving; or

5 (F) in a private residence that is used at any time
6 to provide licensed child care or other similar social
7 service care on the premises;

8 (3) Using cannabis:

9 (A) except as provided under Section 22-33 of the
10 School Code, in a school bus;

11 (B) except as provided under Section 22-33 of the
12 School Code, on the grounds of any preschool or primary
13 or secondary school;

14 (C) in any correctional facility;

15 (D) in any motor vehicle;

16 (E) in a private residence that is used at any time
17 to provide licensed child care or other similar social
18 service care on the premises;

19 (F) except as provided under Section 22-33 of the
20 School Code, in any public place. "Public place" as
21 used in this subsection means any place where an
22 individual could reasonably be expected to be observed
23 by others. A "public place" includes all parts of
24 buildings owned in whole or in part, or leased, by the
25 State or a local unit of government. A "public place"
26 does not include a private residence unless the private

1 residence is used to provide licensed child care,
2 foster care, or other similar social service care on
3 the premises. For purposes of this subsection, a
4 "public place" does not include a health care facility.
5 For purposes of this Section, a "health care facility"
6 includes, but is not limited to, hospitals, nursing
7 homes, hospice care centers, and long-term care
8 facilities;

9 (G) except as provided under Section 22-33 of the
10 School Code, knowingly in close physical proximity to
11 anyone under the age of 18 years of age;

12 (4) Smoking medical cannabis in any public place where
13 an individual could reasonably be expected to be observed
14 by others, in a health care facility, or any other place
15 where smoking is prohibited under the Smoke Free Illinois
16 Act;

17 (5) Operating, navigating, or being in actual physical
18 control of any motor vehicle, aircraft, or motorboat while
19 using or under the influence of cannabis in violation of
20 Sections 11-501 and 11-502.1 of the Illinois Vehicle Code;

21 (6) Using or possessing cannabis if that person does
22 not have a debilitating medical condition and is not a
23 registered qualifying patient or caregiver;

24 (7) Allowing any person who is not allowed to use
25 cannabis under this Act to use cannabis that a cardholder
26 is allowed to possess under this Act;

1 (8) Transferring cannabis to any person contrary to the
2 provisions of this Act;

3 (9) The use of medical cannabis by an active duty law
4 enforcement officer, correctional officer, correctional
5 probation officer, or firefighter; or

6 (10) The use of medical cannabis by a person who has a
7 school bus permit or a Commercial Driver's License.

8 (b) Nothing in this Act shall be construed to prevent the
9 arrest or prosecution of a registered qualifying patient for
10 reckless driving or driving under the influence of cannabis
11 where probable cause exists.

12 (c) Notwithstanding any other criminal penalties related
13 to the unlawful possession of cannabis, knowingly making a
14 misrepresentation to a law enforcement official of any fact or
15 circumstance relating to the medical use of cannabis to avoid
16 arrest or prosecution is a petty offense punishable by a fine
17 of up to \$1,000, which shall be in addition to any other
18 penalties that may apply for making a false statement or for
19 the use of cannabis other than use undertaken under this Act.

20 (d) Notwithstanding any other criminal penalties related
21 to the unlawful possession of cannabis, any person who makes a
22 misrepresentation of a medical condition to a physician or
23 fraudulently provides material misinformation to a physician
24 in order to obtain a written certification is guilty of a petty
25 offense punishable by a fine of up to \$1,000.

26 (e) Any cardholder or registered caregiver who sells

1 cannabis shall have his or her registry identification card
2 revoked and is subject to other penalties for the unauthorized
3 sale of cannabis.

4 (f) Any registered qualifying patient who commits a
5 violation of Section 11-502.1 of the Illinois Vehicle Code or
6 refuses a properly requested test related to operating a motor
7 vehicle while under the influence of cannabis shall have his or
8 her registry identification card revoked.

9 (g) No registered qualifying patient or designated
10 caregiver shall knowingly obtain, seek to obtain, or possess,
11 individually or collectively, an amount of usable cannabis from
12 a registered medical cannabis dispensing organization that
13 would cause him or her to exceed the authorized adequate supply
14 under subsection (a) of Section 10.

15 (h) Nothing in this Act shall prevent a private business
16 from restricting or prohibiting the medical use of cannabis on
17 its property.

18 (i) Nothing in this Act shall prevent a university,
19 college, or other institution of post-secondary education from
20 restricting or prohibiting the use of medical cannabis on its
21 property.

22 (Source: P.A. 100-660, eff. 8-1-18.)

23 (410 ILCS 130/35)

24 (Section scheduled to be repealed on July 1, 2020)

25 Sec. 35. Physician requirements.

1 (a) A physician who certifies a debilitating medical
2 condition for a qualifying patient shall comply with all of the
3 following requirements:

4 (1) The Physician shall be currently licensed under the
5 Medical Practice Act of 1987 to practice medicine in all
6 its branches and in good standing, and must hold a
7 controlled substances license under Article III of the
8 Illinois Controlled Substances Act.

9 (2) A physician certifying a patient's condition shall
10 comply with generally accepted standards of medical
11 practice, the provisions of the Medical Practice Act of
12 1987 and all applicable rules.

13 (3) The physical examination required by this Act may
14 not be performed by remote means, including telemedicine.

15 (4) The physician shall maintain a record-keeping
16 system for all patients for whom the physician has
17 certified the patient's medical condition. These records
18 shall be accessible to and subject to review by the
19 Department of Public Health and the Department of Financial
20 and Professional Regulation upon request.

21 (b) A physician may not:

22 (1) (blank); ~~accept, solicit, or offer any form of~~
23 ~~remuneration from or to a qualifying patient, primary~~
24 ~~caregiver, cultivation center, or dispensing organization,~~
25 ~~including each principal officer, board member, agent, and~~
26 ~~employee, to certify a patient, other than accepting~~

1 ~~payment from a patient for the fee associated with the~~
2 ~~required examination;~~

3 (2) offer a discount of any other item of value to a
4 qualifying patient who uses or agrees to use a particular
5 primary caregiver or dispensing organization to obtain
6 medical cannabis;

7 (3) conduct a personal physical examination of a
8 patient for purposes of diagnosing a debilitating medical
9 condition at a location where medical cannabis is sold or
10 distributed or at the address of a principal officer,
11 agent, or employee or a medical cannabis organization;

12 (4) hold a direct or indirect economic interest in a
13 cultivation center or dispensing organization if he or she
14 recommends the use of medical cannabis to qualified
15 patients or is in a partnership or other fee or
16 profit-sharing relationship with a physician who
17 recommends medical cannabis, except for the limited
18 purpose of performing a medical cannabis related research
19 study;

20 (5) serve on the board of directors or as an employee
21 of a cultivation center or dispensing organization;

22 (6) refer patients to a cultivation center, a
23 dispensing organization, or a registered designated
24 caregiver; or

25 (7) advertise in a cultivation center or a dispensing
26 organization.

1 (c) The Department of Public Health may with reasonable
2 cause refer a physician, who has certified a debilitating
3 medical condition of a patient, to the Illinois Department of
4 Financial and Professional Regulation for potential violations
5 of this Section.

6 (d) Any violation of this Section or any other provision of
7 this Act or rules adopted under this Act is a violation of the
8 Medical Practice Act of 1987.

9 (e) A physician who certifies a debilitating medical
10 condition for a qualifying patient may notify the Department of
11 Public Health in writing: (1) if the physician has reason to
12 believe either that the registered qualifying patient has
13 ceased to suffer from a debilitating medical condition; (2)
14 that the bona fide physician-patient relationship has
15 terminated; or (3) that continued use of medical cannabis would
16 result in contraindication with the patient's other
17 medication. The registered qualifying patient's registry
18 identification card shall be revoked by the Department of
19 Public Health after receiving the physician's notification.

20 (Source: P.A. 99-519, eff. 6-30-16; 100-1114, eff. 8-28-18.)

21 (410 ILCS 130/36)

22 Sec. 36. Written certification.

23 (a) A certification confirming a patient's debilitating
24 medical condition shall be written on a form provided by the
25 Department of Public Health and shall include, at a minimum,

1 the following:

2 (1) the qualifying patient's name, date of birth, home
3 address, and primary telephone number;

4 (2) the physician's name, address, telephone number,
5 email address, medical license number, and active
6 controlled substances license under the Illinois
7 Controlled Substances Act and indication of specialty or
8 primary area of clinical practice, if any;

9 (3) the qualifying patient's debilitating medical
10 condition;

11 (4) a statement that the physician has confirmed a
12 diagnosis of a debilitating condition; is treating or
13 managing treatment of the patient's debilitating
14 condition; has a bona fide physician-patient relationship;
15 has conducted an in-person physical examination; and has
16 conducted a review of the patient's medical history,
17 including reviewing medical records from other treating
18 physicians, if any, from the previous 12 months;

19 (5) the physician's signature and date of
20 certification; and

21 (6) a statement that a participant in possession of a
22 written certification indicating a debilitating medical
23 condition shall not be considered an unlawful user or
24 addicted to narcotics solely as a result of his or her
25 pending application to or participation in the
26 Compassionate Use of Medical Cannabis ~~Pilot~~ Program.

1 (b) A written certification does not constitute a
2 prescription for medical cannabis.

3 (c) Applications for qualifying patients under 18 years old
4 shall require a written certification from a physician and a
5 reviewing physician.

6 (d) A certification confirming the patient's eligibility
7 to participate in the Opioid Alternative Pilot Program shall be
8 written on a form provided by the Department of Public Health
9 and shall include, at a minimum, the following:

10 (1) the participant's name, date of birth, home
11 address, and primary telephone number;

12 (2) the physician's name, address, telephone number,
13 email address, medical license number, and active
14 controlled substances license under the Illinois
15 Controlled Substances Act and indication of specialty or
16 primary area of clinical practice, if any;

17 (3) the physician's signature and date;

18 (4) the length of participation in the program, which
19 shall be limited to no more than 90 days;

20 (5) a statement identifying the patient has been
21 diagnosed with and is currently undergoing treatment for a
22 medical condition where an opioid has been or could be
23 prescribed; and

24 (6) a statement that a participant in possession of a
25 written certification indicating eligibility to
26 participate in the Opioid Alternative Pilot Program shall

1 not be considered an unlawful user or addicted to narcotics
2 solely as a result of his or her eligibility or
3 participation in the program.

4 (e) The Department of Public Health may provide a single
5 certification form for subsections (a) and (d) of this Section,
6 provided that all requirements of those subsections are
7 included on the form.

8 (f) The Department of Public Health shall not include the
9 word "cannabis" on any application forms or written
10 certification forms that it issues under this Section.

11 (g) A written certification does not constitute a
12 prescription.

13 (h) It is unlawful for any person to knowingly submit a
14 fraudulent certification to be a qualifying patient in the
15 Compassionate Use of Medical Cannabis ~~Pilot~~ Program or an
16 Opioid Alternative Pilot Program participant. A violation of
17 this subsection shall result in the person who has knowingly
18 submitted the fraudulent certification being permanently
19 banned from participating in the Compassionate Use of Medical
20 Cannabis ~~Pilot~~ Program or the Opioid Alternative Pilot Program.
21 (Source: P.A. 100-1114, eff. 8-28-18.)

22 (410 ILCS 130/55)

23 (Section scheduled to be repealed on July 1, 2020)

24 Sec. 55. Registration of qualifying patients and
25 designated caregivers.

1 (a) The Department of Public Health shall issue registry
2 identification cards to qualifying patients and designated
3 caregivers who submit a completed application, and at minimum,
4 the following, in accordance with Department of Public Health
5 rules:

6 (1) A written certification, on a form developed by the
7 Department of Public Health consistent with Section 36 and
8 issued by a physician, within 90 days immediately preceding
9 the date of an application;

10 (2) upon the execution of applicable privacy waivers,
11 the patient's medical documentation related to his or her
12 debilitating condition and any other information that may
13 be reasonably required by the Department of Public Health
14 to confirm that the physician and patient have a bona fide
15 physician-patient relationship, that the qualifying
16 patient is in the physician's care for his or her
17 debilitating medical condition, and to substantiate the
18 patient's diagnosis;

19 (3) the application or renewal fee as set by rule;

20 (4) the name, address, date of birth, and social
21 security number of the qualifying patient, except that if
22 the applicant is homeless no address is required;

23 (5) the name, address, and telephone number of the
24 qualifying patient's physician;

25 (6) the name, address, and date of birth of the
26 designated caregiver, if any, chosen by the qualifying

1 patient;

2 (7) the name of the registered medical cannabis
3 dispensing organization the qualifying patient designates;

4 (8) signed statements from the patient and designated
5 caregiver asserting that they will not divert medical
6 cannabis; and

7 (9) (blank).

8 (b) Notwithstanding any other provision of this Act, a
9 person provided a written certification for a debilitating
10 medical condition who has submitted a completed online
11 application to the Department of Public Health shall receive a
12 provisional registration and be entitled to purchase medical
13 cannabis from a specified licensed dispensing organization for
14 a period of 90 days or until his or her application has been
15 denied or he or she receives a registry identification card,
16 whichever is earlier. However, a person may obtain an
17 additional provisional registration after the expiration of 90
18 days after the date of application if the Department of Public
19 Health does not provide the individual with a registry
20 identification card or deny the individual's application
21 within those 90 days.

22 The provisional registration may not be extended if the
23 individual does not respond to the Department of Public
24 Health's request for additional information or corrections to
25 required application documentation.

26 In order for a person to receive medical cannabis under

1 this subsection, a person must present his or her provisional
2 registration along with a valid driver's license or State
3 identification card to the licensed dispensing organization
4 specified in his or her application. The dispensing
5 organization shall verify the person's provisional
6 registration through the Department of Public Health's online
7 verification system.

8 Upon verification of the provided documents, the
9 dispensing organization shall dispense no more than 2.5 ounces
10 of medical cannabis during a 14-day period to the person for a
11 period of 90 days, until his or her application has been
12 denied, or until he or she receives a registry identification
13 card from the Department of Public Health, whichever is
14 earlier.

15 Persons with provisional registrations must keep their
16 provisional registration in his or her possession at all times
17 when transporting or engaging in the medical use of cannabis.

18 (c) No person or business shall charge a fee for assistance
19 in the preparation, compilation, or submission of an
20 application to the Compassionate Use of Medical Cannabis ~~Pilot~~
21 Program or the Opioid Alternative Pilot Program. A violation of
22 this subsection is a Class C misdemeanor, for which restitution
23 to the applicant and a fine of up to \$1,500 may be imposed. All
24 fines shall be deposited into the Compassionate Use of Medical
25 Cannabis Fund after restitution has been made to the applicant.
26 The Department of Public Health shall refer individuals making

1 complaints against a person or business under this Section to
2 the Illinois State Police, who shall enforce violations of this
3 provision. All application forms issued by the Department shall
4 state that no person or business may charge a fee for
5 assistance in the preparation, compilation, or submission of an
6 application to the Compassionate Use of Medical Cannabis ~~Pilot~~
7 Program or the Opioid Alternative Pilot Program.

8 (Source: P.A. 100-1114, eff. 8-28-18.)

9 (410 ILCS 130/57)

10 (Section scheduled to be repealed on July 1, 2020)

11 Sec. 57. Qualifying patients under 18. Qualifying patients
12 that are under the age of 18 years shall not be prohibited from
13 appointing up to 3 ~~having 2 designated caregivers as follows:~~
14 ~~if both biological parents or 2 legal guardians of a qualifying~~
15 ~~patient under 18 both have significant decision making~~
16 ~~responsibilities over the qualifying patient, then both may~~
17 ~~serve as a designated caregiver if they otherwise meet the~~
18 ~~definition of "designated caregiver" under Section 10;~~
19 ~~however, if only one biological parent or legal guardian has~~
20 ~~significant decision making responsibilities for the~~
21 ~~qualifying patient under 18, then he or she may appoint a~~
22 ~~second~~ designated caregivers ~~caregiver~~ who meet ~~meets~~ the
23 definition of "designated caregiver" under Section 10.

24 (Source: P.A. 99-519, eff. 6-30-16.)

1 (410 ILCS 130/62)

2 Sec. 62. Opioid Alternative Pilot Program.

3 (a) The Department of Public Health shall establish the
4 Opioid Alternative Pilot Program. Licensed dispensing
5 organizations shall allow persons with a written certification
6 from a licensed physician under Section 36 to purchase medical
7 cannabis upon enrollment in the Opioid Alternative Pilot
8 Program. The Department of Public Health shall adopt rules or
9 establish procedures allowing qualified veterans to
10 participate in the Opioid Alternative Pilot Program. For a
11 person to receive medical cannabis under this Section, the
12 person must present the written certification along with a
13 valid driver's license or state identification card to the
14 licensed dispensing organization specified in his or her
15 application. The dispensing organization shall verify the
16 person's status as an Opioid Alternative Pilot Program
17 participant through the Department of Public Health's online
18 verification system.

19 (b) The Opioid Alternative Pilot Program shall be limited
20 to participation by Illinois residents age 21 and older.

21 (c) The Department of Financial and Professional
22 Regulation shall specify that all licensed dispensing
23 organizations participating in the Opioid Alternative Pilot
24 Program use the Illinois Cannabis Tracking System. The
25 Department of Public Health shall establish and maintain the
26 Illinois Cannabis Tracking System. The Illinois Cannabis

1 Tracking System shall be used to collect information about all
2 persons participating in the Opioid Alternative Pilot Program
3 and shall be used to track the sale of medical cannabis for
4 verification purposes.

5 Each dispensing organization shall retain a copy of the
6 Opioid Alternative Pilot Program certification and other
7 identifying information as required by the Department of
8 Financial and Professional Regulation, the Department of
9 Public Health, and the Illinois State Police in the Illinois
10 Cannabis Tracking System.

11 The Illinois Cannabis Tracking System shall be accessible
12 to the Department of Financial and Professional Regulation,
13 Department of Public Health, Department of Agriculture, and the
14 Illinois State Police.

15 The Department of Financial and Professional Regulation in
16 collaboration with the Department of Public Health shall
17 specify the data requirements for the Opioid Alternative Pilot
18 Program by licensed dispensing organizations; including, but
19 not limited to, the participant's full legal name, address, and
20 date of birth, date on which the Opioid Alternative Pilot
21 Program certification was issued, length of the participation
22 in the Program, including the start and end date to purchase
23 medical cannabis, name of the issuing physician, copy of the
24 participant's current driver's license or State identification
25 card, and phone number.

26 The Illinois Cannabis Tracking System shall provide

1 verification of a person's participation in the Opioid
2 Alternative Pilot Program for law enforcement at any time and
3 on any day.

4 (d) The certification for Opioid Alternative Pilot Program
5 participant must be issued by a physician licensed to practice
6 in Illinois under the Medical Practice Act of 1987 and in good
7 standing who holds a controlled substances license under
8 Article III of the Illinois Controlled Substances Act.

9 The certification for an Opioid Alternative Pilot Program
10 participant shall be written within 90 days before the
11 participant submits his or her certification to the dispensing
12 organization.

13 The written certification uploaded to the Illinois
14 Cannabis Tracking System shall be accessible to the Department
15 of Public Health.

16 (e) Upon verification of the individual's valid
17 certification and enrollment in the Illinois Cannabis Tracking
18 System, the dispensing organization may dispense the medical
19 cannabis, in amounts not exceeding 2.5 ounces of medical
20 cannabis per 14-day period to the participant at the
21 participant's specified dispensary for no more than 90 days.

22 An Opioid Alternative Pilot Program participant shall not
23 be registered as a medical cannabis cardholder. The dispensing
24 organization shall verify that the person is not an active
25 registered qualifying patient prior to enrollment in the Opioid
26 Alternative Pilot Program and each time medical cannabis is

1 dispensed.

2 Upon receipt of a written certification under the Opioid
3 Alternative Pilot Program, the Department of Public Health
4 shall electronically forward the patient's identification
5 information to the Prescription Monitoring Program established
6 under the Illinois Controlled Substances Act and certify that
7 the individual is permitted to engage in the medical use of
8 cannabis. For the purposes of patient care, the Prescription
9 Monitoring Program shall make a notation on the person's
10 prescription record stating that the person has a written
11 certification under the Opioid Alternative Pilot Program and is
12 a patient who is entitled to the lawful medical use of
13 cannabis. If the person is no longer authorized to engage in
14 the medical use of cannabis, the Department of Public Health
15 shall notify the Prescription Monitoring Program and
16 Department of Human Services to remove the notation from the
17 person's record. The Department of Human Services and the
18 Prescription Monitoring Program shall establish a system by
19 which the information may be shared electronically. This
20 confidential list may not be combined or linked in any manner
21 with any other list or database except as provided in this
22 Section.

23 (f) An Opioid Alternative Pilot Program participant shall
24 not be considered a qualifying patient with a debilitating
25 medical condition under this Act and shall be provided access
26 to medical cannabis solely for the duration of the

1 participant's certification. Nothing in this Section shall be
2 construed to limit or prohibit an Opioid Alternative Pilot
3 Program participant who has a debilitating medical condition
4 from applying to the Compassionate Use of Medical Cannabis
5 ~~Pilot~~ Program.

6 (g) A person with a provisional registration under Section
7 55 shall not be considered an Opioid Alternative Pilot Program
8 participant.

9 (h) The Department of Financial and Professional
10 Regulation and the Department of Public Health shall submit
11 emergency rulemaking to implement the changes made by this
12 amendatory Act of the 100th General Assembly by December 1,
13 2018. The Department of Financial and Professional Regulation,
14 the Department of Agriculture, the Department of Human
15 Services, the Department of Public Health, and the Illinois
16 State Police shall utilize emergency purchase authority for 12
17 months after the effective date of this amendatory Act of the
18 100th General Assembly for the purpose of implementing the
19 changes made by this amendatory Act of the 100th General
20 Assembly.

21 (i) Dispensing organizations are not authorized to
22 dispense medical cannabis to Opioid Alternative Pilot Program
23 participants until administrative rules are approved by the
24 Joint Committee on Administrative Rules and go into effect.

25 (j) The provisions of this Section are inoperative on and
26 after July 1, 2020.

1 (Source: P.A. 100-1114, eff. 8-28-18.)

2 (410 ILCS 130/75)

3 (Section scheduled to be repealed on July 1, 2020)

4 Sec. 75. Notifications to Department of Public Health and
5 responses; civil penalty.

6 (a) The following notifications and Department of Public
7 Health responses are required:

8 (1) A registered qualifying patient shall notify the
9 Department of Public Health of any change in his or her
10 name or address, or if the registered qualifying patient
11 ceases to have his or her debilitating medical condition,
12 within 10 days of the change.

13 (2) A registered designated caregiver shall notify the
14 Department of Public Health of any change in his or her
15 name or address, or if the designated caregiver becomes
16 aware the registered qualifying patient passed away,
17 within 10 days of the change.

18 (3) Before a registered qualifying patient changes his
19 or her designated caregiver, the qualifying patient must
20 notify the Department of Public Health.

21 (4) If a cardholder loses his or her registry
22 identification card, he or she shall notify the Department
23 within 10 days of becoming aware the card has been lost.

24 (b) When a cardholder notifies the Department of Public
25 Health of items listed in subsection (a), but remains eligible

1 under this Act, the Department of Public Health shall issue the
2 cardholder a new registry identification card with a new random
3 alphanumeric identification number within 15 business days of
4 receiving the updated information and a fee as specified in
5 Department of Public Health rules. If the person notifying the
6 Department of Public Health is a registered qualifying patient,
7 the Department shall also issue his or her registered
8 designated caregiver, if any, a new registry identification
9 card within 15 business days of receiving the updated
10 information.

11 (c) If a registered qualifying patient ceases to be a
12 registered qualifying patient or changes his or her registered
13 designated caregiver, the Department of Public Health shall
14 promptly notify the designated caregiver. The registered
15 designated caregiver's protections under this Act as to that
16 qualifying patient shall expire 15 days after notification by
17 the Department.

18 (d) A cardholder who fails to make a notification to the
19 Department of Public Health that is required by this Section is
20 subject to a civil infraction, punishable by a penalty of no
21 more than \$150.

22 (e) A registered qualifying patient shall notify the
23 Department of Public Health of any change to his or her
24 designated registered dispensing organization. The Department
25 of Public Health shall provide for immediate changes of a
26 registered qualifying patient's designated registered

1 dispensing organization. Registered dispensing organizations
2 must comply with all requirements of this Act.

3 (f) If the registered qualifying patient's certifying
4 physician notifies the Department in writing that either the
5 registered qualifying patient has ceased to suffer from a
6 debilitating medical condition, that the bona fide
7 physician-patient relationship has terminated, or that
8 continued use of medical cannabis would result in
9 contraindication with the patient's other medication, the card
10 shall become null and void. However, the registered qualifying
11 patient shall have 15 days to destroy his or her remaining
12 medical cannabis and related paraphernalia.

13 (Source: P.A. 99-519, eff. 6-30-16; 100-1114, eff. 8-28-18.)

14 (410 ILCS 130/130)

15 (Section scheduled to be repealed on July 1, 2020)

16 Sec. 130. Requirements; prohibitions; penalties;
17 dispensing organizations.

18 (a) The Department of Financial and Professional
19 Regulation shall implement the provisions of this Section by
20 rule.

21 (b) A dispensing organization shall maintain operating
22 documents which shall include procedures for the oversight of
23 the registered dispensing organization and procedures to
24 ensure accurate recordkeeping.

25 (c) A dispensing organization shall implement appropriate

1 security measures, as provided by rule, to deter and prevent
2 the theft of cannabis and unauthorized entrance into areas
3 containing cannabis.

4 (d) A dispensing organization may not be located within
5 1,000 feet of the property line of a pre-existing public or
6 private preschool or elementary or secondary school or day care
7 center, day care home, group day care home, or part day child
8 care facility. A registered dispensing organization may not be
9 located in a house, apartment, condominium, or an area zoned
10 for residential use.

11 (e) A dispensing organization is prohibited from acquiring
12 cannabis from anyone other than a registered cultivation
13 center. A dispensing organization is prohibited from obtaining
14 cannabis from outside the State of Illinois.

15 (f) A registered dispensing organization is prohibited
16 from dispensing cannabis for any purpose except to assist
17 registered qualifying patients with the medical use of cannabis
18 directly or through the qualifying patients' designated
19 caregivers.

20 (g) The area in a dispensing organization where medical
21 cannabis is stored can only be accessed by dispensing
22 organization agents working for the dispensing organization,
23 Department of Financial and Professional Regulation staff
24 performing inspections, law enforcement or other emergency
25 personnel, and contractors working on jobs unrelated to medical
26 cannabis, such as installing or maintaining security devices or

1 performing electrical wiring.

2 (h) A dispensing organization may not dispense more than
3 2.5 ounces of cannabis to a registered qualifying patient,
4 directly or via a designated caregiver, in any 14-day period
5 unless the qualifying patient has a Department of Public
6 Health-approved quantity waiver. Any Department of Public
7 Health-approved quantity waiver process must be made available
8 to qualified veterans.

9 (i) Except as provided in subsection (i-5), before medical
10 cannabis may be dispensed to a designated caregiver or a
11 registered qualifying patient, a dispensing organization agent
12 must determine that the individual is a current cardholder in
13 the verification system and must verify each of the following:

14 (1) that the registry identification card presented to
15 the registered dispensing organization is valid;

16 (2) that the person presenting the card is the person
17 identified on the registry identification card presented
18 to the dispensing organization agent;

19 (3) that the dispensing organization is the designated
20 dispensing organization for the registered qualifying
21 patient who is obtaining the cannabis directly or via his
22 or her designated caregiver; and

23 (4) that the registered qualifying patient has not
24 exceeded his or her adequate supply.

25 (i-5) A dispensing organization may dispense medical
26 cannabis to an Opioid Alternative Pilot Program participant

1 under Section 62 and to a person presenting proof of
2 provisional registration under Section 55. Before dispensing
3 medical cannabis, the dispensing organization shall comply
4 with the requirements of Section 62 or Section 55, whichever is
5 applicable, and verify the following:

6 (1) that the written certification presented to the
7 registered dispensing organization is valid and an
8 original document;

9 (2) that the person presenting the written
10 certification is the person identified on the written
11 certification; and

12 (3) that the participant has not exceeded his or her
13 adequate supply.

14 (j) Dispensing organizations shall ensure compliance with
15 this limitation by maintaining internal, confidential records
16 that include records specifying how much medical cannabis is
17 dispensed to the registered qualifying patient and whether it
18 was dispensed directly to the registered qualifying patient or
19 to the designated caregiver. Each entry must include the date
20 and time the cannabis was dispensed. Additional recordkeeping
21 requirements may be set by rule.

22 (k) The physician-patient privilege as set forth by Section
23 8-802 of the Code of Civil Procedure shall apply between a
24 qualifying patient and a registered dispensing organization
25 and its agents with respect to communications and records
26 concerning qualifying patients' debilitating conditions.

1 (1) A dispensing organization may not permit any person to
2 consume cannabis on the property of a medical cannabis
3 organization.

4 (m) A dispensing organization may not share office space
5 with or refer patients to a physician.

6 (n) Notwithstanding any other criminal penalties related
7 to the unlawful possession of cannabis, the Department of
8 Financial and Professional Regulation may revoke, suspend,
9 place on probation, reprimand, refuse to issue or renew, or
10 take any other disciplinary or non-disciplinary action as the
11 Department of Financial and Professional Regulation may deem
12 proper with regard to the registration of any person issued
13 under this Act to operate a dispensing organization or act as a
14 dispensing organization agent, including imposing fines not to
15 exceed \$10,000 for each violation, for any violations of this
16 Act and rules adopted in accordance with this Act. The
17 procedures for disciplining a registered dispensing
18 organization shall be determined by rule. All final
19 administrative decisions of the Department of Financial and
20 Professional Regulation are subject to judicial review under
21 the Administrative Review Law and its rules. The term
22 "administrative decision" is defined as in Section 3-101 of the
23 Code of Civil Procedure.

24 (o) Dispensing organizations are subject to random
25 inspection and cannabis testing by the Department of Financial
26 and Professional Regulation and State Police as provided by

1 rule.

2 (p) The Department of Financial and Professional
3 Regulation shall adopt rules permitting returns, and potential
4 refunds, for damaged or inadequate products.

5 (Source: P.A. 100-1114, eff. 8-28-18.)

6 (410 ILCS 130/195)

7 (Section scheduled to be repealed on July 1, 2020)

8 Sec. 195. Definitions. For the purposes of this Law:

9 "Cultivation center" has the meaning ascribed to that term
10 in the Compassionate Use of Medical Cannabis ~~Pilot~~ Program Act.

11 "Department" means the Department of Revenue.

12 "Dispensing organization" has the meaning ascribed to that
13 term in the Compassionate Use of Medical Cannabis ~~Pilot~~ Program
14 Act.

15 "Person" means an individual, partnership, corporation, or
16 public or private organization.

17 "Qualifying patient" means a qualifying patient registered
18 under the Compassionate Use of Medical Cannabis ~~Pilot~~ Program
19 Act.

20 (Source: P.A. 98-122, eff. 1-1-14.)

21 (410 ILCS 130/200)

22 (Section scheduled to be repealed on July 1, 2020)

23 Sec. 200. Tax imposed.

24 (a) Beginning on the effective date of this Act, a tax is

1 imposed upon the privilege of cultivating medical cannabis at a
2 rate of 7% of the sales price per ounce. The proceeds from this
3 tax shall be deposited into the Compassionate Use of Medical
4 Cannabis Fund created under the Compassionate Use of Medical
5 Cannabis ~~Pilot~~ Program Act. This tax shall be paid by a
6 cultivation center and is not the responsibility of a
7 dispensing organization or a qualifying patient.

8 (b) The tax imposed under this Act shall be in addition to
9 all other occupation or privilege taxes imposed by the State of
10 Illinois or by any municipal corporation or political
11 subdivision thereof.

12 (Source: P.A. 98-122, eff. 1-1-14.)

13 (410 ILCS 130/135 rep.)

14 (410 ILCS 130/220 rep.)

15 Section 55. The Compassionate Use of Medical Cannabis Pilot
16 Program Act is amended by repealing Sections 135 and 220.

17 Section 60. The Illinois Vehicle Code is amended by
18 changing Sections 2-118.2, 6-206.1, 11-501, and 11-501.9 as
19 follows:

20 (625 ILCS 5/2-118.2)

21 Sec. 2-118.2. Opportunity for hearing; medical
22 cannabis-related suspension under Section 11-501.9.

23 (a) A suspension of driving privileges under Section

1 11-501.9 of this Code shall not become effective until the
2 person is notified in writing of the impending suspension and
3 informed that he or she may request a hearing in the circuit
4 court of venue under subsection (b) of this Section and the
5 suspension shall become effective as provided in Section
6 11-501.9.

7 (b) Within 90 days after the notice of suspension served
8 under Section 11-501.9, the person may make a written request
9 for a judicial hearing in the circuit court of venue. The
10 request to the circuit court shall state the grounds upon which
11 the person seeks to have the suspension rescinded. Within 30
12 days after receipt of the written request or the first
13 appearance date on the Uniform Traffic Ticket issued for a
14 violation of Section 11-501 of this Code, or a similar
15 provision of a local ordinance, the hearing shall be conducted
16 by the circuit court having jurisdiction. This judicial
17 hearing, request, or process shall not stay or delay the
18 suspension. The hearing shall proceed in the court in the same
19 manner as in other civil proceedings.

20 The hearing may be conducted upon a review of the law
21 enforcement officer's own official reports; provided however,
22 that the person may subpoena the officer. Failure of the
23 officer to answer the subpoena shall be considered grounds for
24 a continuance if in the court's discretion the continuance is
25 appropriate.

26 The scope of the hearing shall be limited to the issues of:

1 (1) Whether the person was issued a registry
2 identification card under the Compassionate Use of Medical
3 Cannabis ~~Pilot~~ Program Act; and

4 (2) Whether the officer had reasonable suspicion to
5 believe that the person was driving or in actual physical
6 control of a motor vehicle upon a highway while impaired by
7 the use of cannabis; and

8 (3) Whether the person, after being advised by the
9 officer that the privilege to operate a motor vehicle would
10 be suspended if the person refused to submit to and
11 complete the field sobriety tests, did refuse to submit to
12 or complete the field sobriety tests authorized under
13 Section 11-501.9; and

14 (4) Whether the person after being advised by the
15 officer that the privilege to operate a motor vehicle would
16 be suspended if the person submitted to field sobriety
17 tests that disclosed the person was impaired by the use of
18 cannabis, did submit to field sobriety tests that disclosed
19 that the person was impaired by the use of cannabis.

20 Upon the conclusion of the judicial hearing, the circuit
21 court shall sustain or rescind the suspension and immediately
22 notify the Secretary of State. Reports received by the
23 Secretary of State under this Section shall be privileged
24 information and for use only by the courts, police officers,
25 and Secretary of State.

26 (Source: P.A. 98-1172, eff. 1-12-15.)

1 (625 ILCS 5/6-206.1) (from Ch. 95 1/2, par. 6-206.1)

2 Sec. 6-206.1. Monitoring Device Driving Permit.
3 Declaration of Policy. It is hereby declared a policy of the
4 State of Illinois that the driver who is impaired by alcohol,
5 other drug or drugs, or intoxicating compound or compounds is a
6 threat to the public safety and welfare. Therefore, to provide
7 a deterrent to such practice, a statutory summary driver's
8 license suspension is appropriate. It is also recognized that
9 driving is a privilege and therefore, that the granting of
10 driving privileges, in a manner consistent with public safety,
11 is warranted during the period of suspension in the form of a
12 monitoring device driving permit. A person who drives and fails
13 to comply with the requirements of the monitoring device
14 driving permit commits a violation of Section 6-303 of this
15 Code.

16 The following procedures shall apply whenever a first
17 offender, as defined in Section 11-500 of this Code, is
18 arrested for any offense as defined in Section 11-501 or a
19 similar provision of a local ordinance and is subject to the
20 provisions of Section 11-501.1:

21 (a) Upon mailing of the notice of suspension of driving
22 privileges as provided in subsection (h) of Section 11-501.1 of
23 this Code, the Secretary shall also send written notice
24 informing the person that he or she will be issued a monitoring
25 device driving permit (MDDP). The notice shall include, at

1 minimum, information summarizing the procedure to be followed
2 for issuance of the MDDP, installation of the breath alcohol
3 ignition installation device (BAIID), as provided in this
4 Section, exemption from BAIID installation requirements, and
5 procedures to be followed by those seeking indigent status, as
6 provided in this Section. The notice shall also include
7 information summarizing the procedure to be followed if the
8 person wishes to decline issuance of the MDDP. A copy of the
9 notice shall also be sent to the court of venue together with
10 the notice of suspension of driving privileges, as provided in
11 subsection (h) of Section 11-501. However, a MDDP shall not be
12 issued if the Secretary finds that:

13 (1) the offender's driver's license is otherwise
14 invalid;

15 (2) death or great bodily harm to another resulted from
16 the arrest for Section 11-501;

17 (3) the offender has been previously convicted of
18 reckless homicide or aggravated driving under the
19 influence involving death;

20 (4) the offender is less than 18 years of age; or

21 (5) the offender is a qualifying patient licensed under
22 the Compassionate Use of Medical Cannabis ~~Pilot~~ Program Act
23 who is in possession of a valid registry card issued under
24 that Act and refused to submit to standardized field
25 sobriety tests as required by subsection (a) of Section
26 11-501.9 or did submit to testing which disclosed the

1 person was impaired by the use of cannabis.

2 Any offender participating in the MDDP program must pay the
3 Secretary a MDDP Administration Fee in an amount not to exceed
4 \$30 per month, to be deposited into the Monitoring Device
5 Driving Permit Administration Fee Fund. The Secretary shall
6 establish by rule the amount and the procedures, terms, and
7 conditions relating to these fees. The offender must have an
8 ignition interlock device installed within 14 days of the date
9 the Secretary issues the MDDP. The ignition interlock device
10 provider must notify the Secretary, in a manner and form
11 prescribed by the Secretary, of the installation. If the
12 Secretary does not receive notice of installation, the
13 Secretary shall cancel the MDDP.

14 Upon receipt of the notice, as provided in paragraph (a) of
15 this Section, the person may file a petition to decline
16 issuance of the MDDP with the court of venue. The court shall
17 admonish the offender of all consequences of declining issuance
18 of the MDDP including, but not limited to, the enhanced
19 penalties for driving while suspended. After being so
20 admonished, the offender shall be permitted, in writing, to
21 execute a notice declining issuance of the MDDP. This notice
22 shall be filed with the court and forwarded by the clerk of the
23 court to the Secretary. The offender may, at any time
24 thereafter, apply to the Secretary for issuance of a MDDP.

25 (a-1) A person issued a MDDP may drive for any purpose and
26 at any time, subject to the rules adopted by the Secretary

1 under subsection (g). The person must, at his or her own
2 expense, drive only vehicles equipped with an ignition
3 interlock device as defined in Section 1-129.1, but in no event
4 shall such person drive a commercial motor vehicle.

5 (a-2) Persons who are issued a MDDP and must drive
6 employer-owned vehicles in the course of their employment
7 duties may seek permission to drive an employer-owned vehicle
8 that does not have an ignition interlock device. The employer
9 shall provide to the Secretary a form, as prescribed by the
10 Secretary, completed by the employer verifying that the
11 employee must drive an employer-owned vehicle in the course of
12 employment. If approved by the Secretary, the form must be in
13 the driver's possession while operating an employer-owner
14 vehicle not equipped with an ignition interlock device. No
15 person may use this exemption to drive a school bus, school
16 vehicle, or a vehicle designed to transport more than 15
17 passengers. No person may use this exemption to drive an
18 employer-owned motor vehicle that is owned by an entity that is
19 wholly or partially owned by the person holding the MDDP, or by
20 a family member of the person holding the MDDP. No person may
21 use this exemption to drive an employer-owned vehicle that is
22 made available to the employee for personal use. No person may
23 drive the exempted vehicle more than 12 hours per day, 6 days
24 per week.

25 (a-3) Persons who are issued a MDDP and who must drive a
26 farm tractor to and from a farm, within 50 air miles from the

1 originating farm are exempt from installation of a BAIID on the
2 farm tractor, so long as the farm tractor is being used for the
3 exclusive purpose of conducting farm operations.

4 (b) (Blank).

5 (c) (Blank).

6 (c-1) If the holder of the MDDP is convicted of or receives
7 court supervision for a violation of Section 6-206.2, 6-303,
8 11-204, 11-204.1, 11-401, 11-501, 11-503, 11-506 or a similar
9 provision of a local ordinance or a similar out-of-state
10 offense or is convicted of or receives court supervision for
11 any offense for which alcohol or drugs is an element of the
12 offense and in which a motor vehicle was involved (for an
13 arrest other than the one for which the MDDP is issued), or
14 de-installs the BAIID without prior authorization from the
15 Secretary, the MDDP shall be cancelled.

16 (c-5) If the Secretary determines that the person seeking
17 the MDDP is indigent, the Secretary shall provide the person
18 with a written document as evidence of that determination, and
19 the person shall provide that written document to an ignition
20 interlock device provider. The provider shall install an
21 ignition interlock device on that person's vehicle without
22 charge to the person, and seek reimbursement from the Indigent
23 BAIID Fund. If the Secretary has deemed an offender indigent,
24 the BAIID provider shall also provide the normal monthly
25 monitoring services and the de-installation without charge to
26 the offender and seek reimbursement from the Indigent BAIID

1 Fund. Any other monetary charges, such as a lockout fee or
2 reset fee, shall be the responsibility of the MDDP holder. A
3 BAIID provider may not seek a security deposit from the
4 Indigent BAIID Fund.

5 (d) MDDP information shall be available only to the courts,
6 police officers, and the Secretary, except during the actual
7 period the MDDP is valid, during which time it shall be a
8 public record.

9 (e) (Blank).

10 (f) (Blank).

11 (g) The Secretary shall adopt rules for implementing this
12 Section. The rules adopted shall address issues including, but
13 not limited to: compliance with the requirements of the MDDP;
14 methods for determining compliance with those requirements;
15 the consequences of noncompliance with those requirements;
16 what constitutes a violation of the MDDP; methods for
17 determining indigency; and the duties of a person or entity
18 that supplies the ignition interlock device.

19 (h) The rules adopted under subsection (g) shall provide,
20 at a minimum, that the person is not in compliance with the
21 requirements of the MDDP if he or she:

22 (1) tampers or attempts to tamper with or circumvent
23 the proper operation of the ignition interlock device;

24 (2) provides valid breath samples that register blood
25 alcohol levels in excess of the number of times allowed
26 under the rules;

1 (3) fails to provide evidence sufficient to satisfy the
2 Secretary that the ignition interlock device has been
3 installed in the designated vehicle or vehicles; or

4 (4) fails to follow any other applicable rules adopted
5 by the Secretary.

6 (i) Any person or entity that supplies an ignition
7 interlock device as provided under this Section shall, in
8 addition to supplying only those devices which fully comply
9 with all the rules adopted under subsection (g), provide the
10 Secretary, within 7 days of inspection, all monitoring reports
11 of each person who has had an ignition interlock device
12 installed. These reports shall be furnished in a manner or form
13 as prescribed by the Secretary.

14 (j) Upon making a determination that a violation of the
15 requirements of the MDDP has occurred, the Secretary shall
16 extend the summary suspension period for an additional 3 months
17 beyond the originally imposed summary suspension period,
18 during which time the person shall only be allowed to drive
19 vehicles equipped with an ignition interlock device; provided
20 further there are no limitations on the total number of times
21 the summary suspension may be extended. The Secretary may,
22 however, limit the number of extensions imposed for violations
23 occurring during any one monitoring period, as set forth by
24 rule. Any person whose summary suspension is extended pursuant
25 to this Section shall have the right to contest the extension
26 through a hearing with the Secretary, pursuant to Section 2-118

1 of this Code. If the summary suspension has already terminated
2 prior to the Secretary receiving the monitoring report that
3 shows a violation, the Secretary shall be authorized to suspend
4 the person's driving privileges for 3 months, provided that the
5 Secretary may, by rule, limit the number of suspensions to be
6 entered pursuant to this paragraph for violations occurring
7 during any one monitoring period. Any person whose license is
8 suspended pursuant to this paragraph, after the summary
9 suspension had already terminated, shall have the right to
10 contest the suspension through a hearing with the Secretary,
11 pursuant to Section 2-118 of this Code. The only permit the
12 person shall be eligible for during this new suspension period
13 is a MDDP.

14 (k) A person who has had his or her summary suspension
15 extended for the third time, or has any combination of 3
16 extensions and new suspensions, entered as a result of a
17 violation that occurred while holding the MDDP, so long as the
18 extensions and new suspensions relate to the same summary
19 suspension, shall have his or her vehicle impounded for a
20 period of 30 days, at the person's own expense. A person who
21 has his or her summary suspension extended for the fourth time,
22 or has any combination of 4 extensions and new suspensions,
23 entered as a result of a violation that occurred while holding
24 the MDDP, so long as the extensions and new suspensions relate
25 to the same summary suspension, shall have his or her vehicle
26 subject to seizure and forfeiture. The Secretary shall notify

1 the prosecuting authority of any third or fourth extensions or
2 new suspension entered as a result of a violation that occurred
3 while the person held a MDDP. Upon receipt of the notification,
4 the prosecuting authority shall impound or forfeit the vehicle.
5 The impoundment or forfeiture of a vehicle shall be conducted
6 pursuant to the procedure specified in Article 36 of the
7 Criminal Code of 2012.

8 (l) A person whose driving privileges have been suspended
9 under Section 11-501.1 of this Code and who had a MDDP that was
10 cancelled, or would have been cancelled had notification of a
11 violation been received prior to expiration of the MDDP,
12 pursuant to subsection (c-1) of this Section, shall not be
13 eligible for reinstatement when the summary suspension is
14 scheduled to terminate. Instead, the person's driving
15 privileges shall be suspended for a period of not less than
16 twice the original summary suspension period, or for the length
17 of any extensions entered under subsection (j), whichever is
18 longer. During the period of suspension, the person shall be
19 eligible only to apply for a restricted driving permit. If a
20 restricted driving permit is granted, the offender may only
21 operate vehicles equipped with a BAIID in accordance with this
22 Section.

23 (m) Any person or entity that supplies an ignition
24 interlock device under this Section shall, for each ignition
25 interlock device installed, pay 5% of the total gross revenue
26 received for the device, including monthly monitoring fees,

1 into the Indigent BAIID Fund. This 5% shall be clearly
2 indicated as a separate surcharge on each invoice that is
3 issued. The Secretary shall conduct an annual review of the
4 fund to determine whether the surcharge is sufficient to
5 provide for indigent users. The Secretary may increase or
6 decrease this surcharge requirement as needed.

7 (n) Any person or entity that supplies an ignition
8 interlock device under this Section that is requested to
9 provide an ignition interlock device to a person who presents
10 written documentation of indigency from the Secretary, as
11 provided in subsection (c-5) of this Section, shall install the
12 device on the person's vehicle without charge to the person and
13 shall seek reimbursement from the Indigent BAIID Fund.

14 (o) The Indigent BAIID Fund is created as a special fund in
15 the State treasury. The Secretary shall, subject to
16 appropriation by the General Assembly, use all money in the
17 Indigent BAIID Fund to reimburse ignition interlock device
18 providers who have installed devices in vehicles of indigent
19 persons. The Secretary shall make payments to such providers
20 every 3 months. If the amount of money in the fund at the time
21 payments are made is not sufficient to pay all requests for
22 reimbursement submitted during that 3 month period, the
23 Secretary shall make payments on a pro-rata basis, and those
24 payments shall be considered payment in full for the requests
25 submitted.

26 (p) The Monitoring Device Driving Permit Administration

1 Fee Fund is created as a special fund in the State treasury.
2 The Secretary shall, subject to appropriation by the General
3 Assembly, use the money paid into this fund to offset its
4 administrative costs for administering MDDPs.

5 (q) The Secretary is authorized to prescribe such forms as
6 it deems necessary to carry out the provisions of this Section.
7 (Source: P.A. 98-122, eff. 1-1-14; 98-1015, eff. 8-22-14;
8 98-1172, eff. 1-12-15; 99-467, eff. 1-1-16.)

9 (625 ILCS 5/11-501) (from Ch. 95 1/2, par. 11-501)

10 Sec. 11-501. Driving while under the influence of alcohol,
11 other drug or drugs, intoxicating compound or compounds or any
12 combination thereof.

13 (a) A person shall not drive or be in actual physical
14 control of any vehicle within this State while:

15 (1) the alcohol concentration in the person's blood,
16 other bodily substance, or breath is 0.08 or more based on
17 the definition of blood and breath units in Section
18 11-501.2;

19 (2) under the influence of alcohol;

20 (3) under the influence of any intoxicating compound or
21 combination of intoxicating compounds to a degree that
22 renders the person incapable of driving safely;

23 (4) under the influence of any other drug or
24 combination of drugs to a degree that renders the person
25 incapable of safely driving;

1 (5) under the combined influence of alcohol, other drug
2 or drugs, or intoxicating compound or compounds to a degree
3 that renders the person incapable of safely driving;

4 (6) there is any amount of a drug, substance, or
5 compound in the person's breath, blood, other bodily
6 substance, or urine resulting from the unlawful use or
7 consumption of a controlled substance listed in the
8 Illinois Controlled Substances Act, an intoxicating
9 compound listed in the Use of Intoxicating Compounds Act,
10 or methamphetamine as listed in the Methamphetamine
11 Control and Community Protection Act; or

12 (7) the person has, within 2 hours of driving or being
13 in actual physical control of a vehicle, a
14 tetrahydrocannabinol concentration in the person's whole
15 blood or other bodily substance as defined in paragraph 6
16 of subsection (a) of Section 11-501.2 of this Code. Subject
17 to all other requirements and provisions under this
18 Section, this paragraph (7) does not apply to the lawful
19 consumption of cannabis by a qualifying patient licensed
20 under the Compassionate Use of Medical Cannabis ~~Pilot~~
21 Program Act who is in possession of a valid registry card
22 issued under that Act, unless that person is impaired by
23 the use of cannabis.

24 (b) The fact that any person charged with violating this
25 Section is or has been legally entitled to use alcohol,
26 cannabis under the Compassionate Use of Medical Cannabis ~~Pilot~~

1 Program Act, other drug or drugs, or intoxicating compound or
2 compounds, or any combination thereof, shall not constitute a
3 defense against any charge of violating this Section.

4 (c) Penalties.

5 (1) Except as otherwise provided in this Section, any
6 person convicted of violating subsection (a) of this
7 Section is guilty of a Class A misdemeanor.

8 (2) A person who violates subsection (a) or a similar
9 provision a second time shall be sentenced to a mandatory
10 minimum term of either 5 days of imprisonment or 240 hours
11 of community service in addition to any other criminal or
12 administrative sanction.

13 (3) A person who violates subsection (a) is subject to
14 6 months of imprisonment, an additional mandatory minimum
15 fine of \$1,000, and 25 days of community service in a
16 program benefiting children if the person was transporting
17 a person under the age of 16 at the time of the violation.

18 (4) A person who violates subsection (a) a first time,
19 if the alcohol concentration in his or her blood, breath,
20 other bodily substance, or urine was 0.16 or more based on
21 the definition of blood, breath, other bodily substance, or
22 urine units in Section 11-501.2, shall be subject, in
23 addition to any other penalty that may be imposed, to a
24 mandatory minimum of 100 hours of community service and a
25 mandatory minimum fine of \$500.

26 (5) A person who violates subsection (a) a second time,

1 if at the time of the second violation the alcohol
2 concentration in his or her blood, breath, other bodily
3 substance, or urine was 0.16 or more based on the
4 definition of blood, breath, other bodily substance, or
5 urine units in Section 11-501.2, shall be subject, in
6 addition to any other penalty that may be imposed, to a
7 mandatory minimum of 2 days of imprisonment and a mandatory
8 minimum fine of \$1,250.

9 (d) Aggravated driving under the influence of alcohol,
10 other drug or drugs, or intoxicating compound or compounds, or
11 any combination thereof.

12 (1) Every person convicted of committing a violation of
13 this Section shall be guilty of aggravated driving under
14 the influence of alcohol, other drug or drugs, or
15 intoxicating compound or compounds, or any combination
16 thereof if:

17 (A) the person committed a violation of subsection
18 (a) or a similar provision for the third or subsequent
19 time;

20 (B) the person committed a violation of subsection
21 (a) while driving a school bus with one or more
22 passengers on board;

23 (C) the person in committing a violation of
24 subsection (a) was involved in a motor vehicle accident
25 that resulted in great bodily harm or permanent
26 disability or disfigurement to another, when the

1 violation was a proximate cause of the injuries;

2 (D) the person committed a violation of subsection
3 (a) and has been previously convicted of violating
4 Section 9-3 of the Criminal Code of 1961 or the
5 Criminal Code of 2012 or a similar provision of a law
6 of another state relating to reckless homicide in which
7 the person was determined to have been under the
8 influence of alcohol, other drug or drugs, or
9 intoxicating compound or compounds as an element of the
10 offense or the person has previously been convicted
11 under subparagraph (C) or subparagraph (F) of this
12 paragraph (1);

13 (E) the person, in committing a violation of
14 subsection (a) while driving at any speed in a school
15 speed zone at a time when a speed limit of 20 miles per
16 hour was in effect under subsection (a) of Section
17 11-605 of this Code, was involved in a motor vehicle
18 accident that resulted in bodily harm, other than great
19 bodily harm or permanent disability or disfigurement,
20 to another person, when the violation of subsection (a)
21 was a proximate cause of the bodily harm;

22 (F) the person, in committing a violation of
23 subsection (a), was involved in a motor vehicle,
24 snowmobile, all-terrain vehicle, or watercraft
25 accident that resulted in the death of another person,
26 when the violation of subsection (a) was a proximate

1 cause of the death;

2 (G) the person committed a violation of subsection
3 (a) during a period in which the defendant's driving
4 privileges are revoked or suspended, where the
5 revocation or suspension was for a violation of
6 subsection (a) or a similar provision, Section
7 11-501.1, paragraph (b) of Section 11-401, or for
8 reckless homicide as defined in Section 9-3 of the
9 Criminal Code of 1961 or the Criminal Code of 2012;

10 (H) the person committed the violation while he or
11 she did not possess a driver's license or permit or a
12 restricted driving permit or a judicial driving permit
13 or a monitoring device driving permit;

14 (I) the person committed the violation while he or
15 she knew or should have known that the vehicle he or
16 she was driving was not covered by a liability
17 insurance policy;

18 (J) the person in committing a violation of
19 subsection (a) was involved in a motor vehicle accident
20 that resulted in bodily harm, but not great bodily
21 harm, to the child under the age of 16 being
22 transported by the person, if the violation was the
23 proximate cause of the injury;

24 (K) the person in committing a second violation of
25 subsection (a) or a similar provision was transporting
26 a person under the age of 16; or

1 (L) the person committed a violation of subsection
2 (a) of this Section while transporting one or more
3 passengers in a vehicle for-hire.

4 (2) (A) Except as provided otherwise, a person
5 convicted of aggravated driving under the influence of
6 alcohol, other drug or drugs, or intoxicating compound or
7 compounds, or any combination thereof is guilty of a Class
8 4 felony.

9 (B) A third violation of this Section or a similar
10 provision is a Class 2 felony. If at the time of the third
11 violation the alcohol concentration in his or her blood,
12 breath, other bodily substance, or urine was 0.16 or more
13 based on the definition of blood, breath, other bodily
14 substance, or urine units in Section 11-501.2, a mandatory
15 minimum of 90 days of imprisonment and a mandatory minimum
16 fine of \$2,500 shall be imposed in addition to any other
17 criminal or administrative sanction. If at the time of the
18 third violation, the defendant was transporting a person
19 under the age of 16, a mandatory fine of \$25,000 and 25
20 days of community service in a program benefiting children
21 shall be imposed in addition to any other criminal or
22 administrative sanction.

23 (C) A fourth violation of this Section or a similar
24 provision is a Class 2 felony, for which a sentence of
25 probation or conditional discharge may not be imposed. If
26 at the time of the violation, the alcohol concentration in

1 the defendant's blood, breath, other bodily substance, or
2 urine was 0.16 or more based on the definition of blood,
3 breath, other bodily substance, or urine units in Section
4 11-501.2, a mandatory minimum fine of \$5,000 shall be
5 imposed in addition to any other criminal or administrative
6 sanction. If at the time of the fourth violation, the
7 defendant was transporting a person under the age of 16 a
8 mandatory fine of \$25,000 and 25 days of community service
9 in a program benefiting children shall be imposed in
10 addition to any other criminal or administrative sanction.

11 (D) A fifth violation of this Section or a similar
12 provision is a Class 1 felony, for which a sentence of
13 probation or conditional discharge may not be imposed. If
14 at the time of the violation, the alcohol concentration in
15 the defendant's blood, breath, other bodily substance, or
16 urine was 0.16 or more based on the definition of blood,
17 breath, other bodily substance, or urine units in Section
18 11-501.2, a mandatory minimum fine of \$5,000 shall be
19 imposed in addition to any other criminal or administrative
20 sanction. If at the time of the fifth violation, the
21 defendant was transporting a person under the age of 16, a
22 mandatory fine of \$25,000, and 25 days of community service
23 in a program benefiting children shall be imposed in
24 addition to any other criminal or administrative sanction.

25 (E) A sixth or subsequent violation of this Section or
26 similar provision is a Class X felony. If at the time of

1 the violation, the alcohol concentration in the
2 defendant's blood, breath, other bodily substance, or
3 urine was 0.16 or more based on the definition of blood,
4 breath, other bodily substance, or urine units in Section
5 11-501.2, a mandatory minimum fine of \$5,000 shall be
6 imposed in addition to any other criminal or administrative
7 sanction. If at the time of the violation, the defendant
8 was transporting a person under the age of 16, a mandatory
9 fine of \$25,000 and 25 days of community service in a
10 program benefiting children shall be imposed in addition to
11 any other criminal or administrative sanction.

12 (F) For a violation of subparagraph (C) of paragraph
13 (1) of this subsection (d), the defendant, if sentenced to
14 a term of imprisonment, shall be sentenced to not less than
15 one year nor more than 12 years.

16 (G) A violation of subparagraph (F) of paragraph (1) of
17 this subsection (d) is a Class 2 felony, for which the
18 defendant, unless the court determines that extraordinary
19 circumstances exist and require probation, shall be
20 sentenced to: (i) a term of imprisonment of not less than 3
21 years and not more than 14 years if the violation resulted
22 in the death of one person; or (ii) a term of imprisonment
23 of not less than 6 years and not more than 28 years if the
24 violation resulted in the deaths of 2 or more persons.

25 (H) For a violation of subparagraph (J) of paragraph
26 (1) of this subsection (d), a mandatory fine of \$2,500, and

1 25 days of community service in a program benefiting
2 children shall be imposed in addition to any other criminal
3 or administrative sanction.

4 (I) A violation of subparagraph (K) of paragraph (1) of
5 this subsection (d), is a Class 2 felony and a mandatory
6 fine of \$2,500, and 25 days of community service in a
7 program benefiting children shall be imposed in addition to
8 any other criminal or administrative sanction. If the child
9 being transported suffered bodily harm, but not great
10 bodily harm, in a motor vehicle accident, and the violation
11 was the proximate cause of that injury, a mandatory fine of
12 \$5,000 and 25 days of community service in a program
13 benefiting children shall be imposed in addition to any
14 other criminal or administrative sanction.

15 (J) A violation of subparagraph (D) of paragraph (1) of
16 this subsection (d) is a Class 3 felony, for which a
17 sentence of probation or conditional discharge may not be
18 imposed.

19 (3) Any person sentenced under this subsection (d) who
20 receives a term of probation or conditional discharge must
21 serve a minimum term of either 480 hours of community
22 service or 10 days of imprisonment as a condition of the
23 probation or conditional discharge in addition to any other
24 criminal or administrative sanction.

25 (e) Any reference to a prior violation of subsection (a) or
26 a similar provision includes any violation of a provision of a

1 local ordinance or a provision of a law of another state or an
2 offense committed on a military installation that is similar to
3 a violation of subsection (a) of this Section.

4 (f) The imposition of a mandatory term of imprisonment or
5 assignment of community service for a violation of this Section
6 shall not be suspended or reduced by the court.

7 (g) Any penalty imposed for driving with a license that has
8 been revoked for a previous violation of subsection (a) of this
9 Section shall be in addition to the penalty imposed for any
10 subsequent violation of subsection (a).

11 (h) For any prosecution under this Section, a certified
12 copy of the driving abstract of the defendant shall be admitted
13 as proof of any prior conviction.

14 (Source: P.A. 98-122, eff. 1-1-14; 98-573, eff. 8-27-13;
15 98-756, eff. 7-16-14; 99-697, eff. 7-29-16.)

16 (625 ILCS 5/11-501.9)

17 Sec. 11-501.9. Suspension of driver's license; medical
18 cannabis card holder; failure or refusal of field sobriety
19 tests; implied consent.

20 (a) A person who has been issued a registry identification
21 card under the Compassionate Use of Medical Cannabis ~~Pilot~~
22 Program Act who drives or is in actual physical control of a
23 motor vehicle upon the public highways of this State shall be
24 deemed to have given consent to standardized field sobriety
25 tests approved by the National Highway Traffic Safety

1 Administration, under subsection (a-5) of Section 11-501.2 of
2 this Code, if detained by a law enforcement officer who has a
3 reasonable suspicion that the person is driving or is in actual
4 physical control of a motor vehicle while impaired by the use
5 of cannabis. The law enforcement officer must have an
6 independent, cannabis-related factual basis giving reasonable
7 suspicion that the person is driving or in actual physical
8 control of a motor vehicle while impaired by the use of
9 cannabis for conducting standardized field sobriety tests,
10 which shall be included with the results of the field sobriety
11 tests in any report made by the law enforcement officer who
12 requests the test. The person's possession of a registry
13 identification card issued under the Compassionate Use of
14 Medical Cannabis ~~Pilot~~ Program Act alone is not a sufficient
15 basis for reasonable suspicion.

16 For purposes of this Section, a law enforcement officer of
17 this State who is investigating a person for an offense under
18 Section 11-501 of this Code may travel into an adjoining state
19 where the person has been transported for medical care to
20 complete an investigation and to request that the person submit
21 to field sobriety tests under this Section.

22 (b) A person who is unconscious, or otherwise in a
23 condition rendering the person incapable of refusal, shall be
24 deemed to have withdrawn the consent provided by subsection (a)
25 of this Section.

26 (c) A person requested to submit to field sobriety tests,

1 as provided in this Section, shall be warned by the law
2 enforcement officer requesting the field sobriety tests that a
3 refusal to submit to the field sobriety tests will result in
4 the suspension of the person's privilege to operate a motor
5 vehicle, as provided in subsection (f) of this Section. The
6 person shall also be warned by the law enforcement officer that
7 if the person submits to field sobriety tests as provided in
8 this Section which disclose the person is impaired by the use
9 of cannabis, a suspension of the person's privilege to operate
10 a motor vehicle, as provided in subsection (f) of this Section,
11 will be imposed.

12 (d) The results of field sobriety tests administered under
13 this Section shall be admissible in a civil or criminal action
14 or proceeding arising from an arrest for an offense as defined
15 in Section 11-501 of this Code or a similar provision of a
16 local ordinance. These test results shall be admissible only in
17 actions or proceedings directly related to the incident upon
18 which the test request was made.

19 (e) If the person refuses field sobriety tests or submits
20 to field sobriety tests that disclose the person is impaired by
21 the use of cannabis, the law enforcement officer shall
22 immediately submit a sworn report to the circuit court of venue
23 and the Secretary of State certifying that testing was
24 requested under this Section and that the person refused to
25 submit to field sobriety tests or submitted to field sobriety
26 tests that disclosed the person was impaired by the use of

1 cannabis. The sworn report must include the law enforcement
2 officer's factual basis for reasonable suspicion that the
3 person was impaired by the use of cannabis.

4 (f) Upon receipt of the sworn report of a law enforcement
5 officer submitted under subsection (e) of this Section, the
6 Secretary of State shall enter the suspension to the driving
7 record as follows:

8 (1) for refusal or failure to complete field sobriety
9 tests, a 12 month suspension shall be entered; or

10 (2) for submitting to field sobriety tests that
11 disclosed the driver was impaired by the use of cannabis, a
12 6 month suspension shall be entered.

13 The Secretary of State shall confirm the suspension by
14 mailing a notice of the effective date of the suspension to the
15 person and the court of venue. However, should the sworn report
16 be defective for insufficient information or be completed in
17 error, the confirmation of the suspension shall not be mailed
18 to the person or entered to the record; instead, the sworn
19 report shall be forwarded to the court of venue with a copy
20 returned to the issuing agency identifying the defect.

21 (g) The law enforcement officer submitting the sworn report
22 under subsection (e) of this Section shall serve immediate
23 notice of the suspension on the person and the suspension shall
24 be effective as provided in subsection (h) of this Section. If
25 immediate notice of the suspension cannot be given, the
26 arresting officer or arresting agency shall give notice by

1 deposit in the United States mail of the notice in an envelope
2 with postage prepaid and addressed to the person at his or her
3 address as shown on the Uniform Traffic Ticket and the
4 suspension shall begin as provided in subsection (h) of this
5 Section. The officer shall confiscate any Illinois driver's
6 license or permit on the person at the time of arrest. If the
7 person has a valid driver's license or permit, the officer
8 shall issue the person a receipt, in a form prescribed by the
9 Secretary of State, that will allow the person to drive during
10 the period provided for in subsection (h) of this Section. The
11 officer shall immediately forward the driver's license or
12 permit to the circuit court of venue along with the sworn
13 report under subsection (e) of this Section.

14 (h) The suspension under subsection (f) of this Section
15 shall take effect on the 46th day following the date the notice
16 of the suspension was given to the person.

17 (i) When a driving privilege has been suspended under this
18 Section and the person is subsequently convicted of violating
19 Section 11-501 of this Code, or a similar provision of a local
20 ordinance, for the same incident, any period served on
21 suspension under this Section shall be credited toward the
22 minimum period of revocation of driving privileges imposed
23 under Section 6-205 of this Code.

24 (Source: P.A. 98-1172, eff. 1-12-15.)

25 Section 65. The Cannabis Control Act is amended by changing

1 Section 5.3 as follows:

2 (720 ILCS 550/5.3)

3 Sec. 5.3. Unlawful use of cannabis-based product
4 manufacturing equipment.

5 (a) A person commits unlawful use of cannabis-based product
6 manufacturing equipment when he or she knowingly engages in the
7 possession, procurement, transportation, storage, or delivery
8 of any equipment used in the manufacturing of any
9 cannabis-based product using volatile or explosive gas,
10 including, but not limited to, canisters of butane gas, with
11 the intent to manufacture, compound, covert, produce, derive,
12 process, or prepare either directly or indirectly any
13 cannabis-based product.

14 (b) This Section does not apply to a cultivation center or
15 cultivation center agent that prepares medical cannabis or
16 cannabis-infused products in compliance with the Compassionate
17 Use of Medical Cannabis ~~Pilot~~ Program Act and Department of
18 Public Health and Department of Agriculture rules.

19 (c) Sentence. A person who violates this Section is guilty
20 of a Class 2 felony.

21 (Source: P.A. 99-697, eff. 7-29-16.)".